No. 1900

DISTRICT COURT U. S., EASTERN DIST. MICH.

SOUTHERN DIVISION

Filter
vs.
Gorham & al

U. S. GOVERNMENT PRINTING OFFICE: 1920 38727

Circuit Court of the United States
for the 7th Circuit & District of Mich.

Charles P. Gorham Oliver C. Comstock Jr
Jamis Hand Planter Mofs. William
Parker Charles Burgan & James
Smith

ads

Francis Geltner

Francis Giltner Esq Sir You are hereby notified that John Brown Samuel G. Wilson. James Newbanks Tabrer McKay. Samuel Snead. Elias Thomasson Joseph Childs Jacob Anthony Ashbel P Willard. John B Kelly Willett Bullitt & Phineas W Kent of New Albany Indiana & Albert W Gaines Salmon & John T. Duff of Louisville Kentucky will be examined de bene esse before me at the office of P. W Kent New Albany Floyd County Indiana on the Eighth day of November 1848 at Eight o'clock in the forenoon as witnesses for the above defendants according to the act of congress in such case made & provided; at which time and place you are entitled by law to be present and put interrogatories to said witnesses

Dated October 30th 1848 Tho A Smith
Judge Supreme Court of the State of Indiana

To the above named Geltner
Francis Geltner

State of Indiana ss

John A Van Horne being
duly sworn deposes and says he served the
within notice on Francis Eltzner at his
residence in the State of Kentucky about
sixty miles from the city of New Albany
by reading and by leaving with him a
true copy thereof on Wednesday the 1st day
of November 1848,

Jno A Van Horne

Subscribed and sworn to before
me this 8th day of November 1848 at the
city of New Albany Indiana —

Thos L Smith Judge Sup. Ct. of Indiana

State of Wisconsin
County of Milwaukie } ss.

Be it remembered that on this twenty third day of September in the year of our Lord one thousand Eight hundred and forty Eight at Milwaukie in the County of Milwaukie and State of Wisconsin came personally before me a Commissioner appointed under the laws of the United States, Samuel Camp a Witness produced to be Examined and his deposition taken to be used in a cause pending in the Circuit Court of the United States for the District of Michigan, wherein Francis Giltner is Plaintiff and are Charles T. Gorham, Oliver C. Comstock Junior Jarvis Hurd, Hunter Moss, William Parker Charles Bergen and James Smith are defendants and having been by me carefully Examined and Cautioned and Sworn to testify to the whole truth did depose and say as follows viz

Samuel Camp being duly sworn to tell the whole truth in answer to all questions asked him within his knowledge deposes and says as follows, that I was residing in Marshall - Michigan, in January Eighteen hundred and forty Seven; some time in the Middle or the latter part of that month a Son of mine informed me that four gentleman from Kentucky had gone up to a Colored Mans house, named Crosswhite and had broke into the house and had bound his wife and was going to take the whole family including Crosswhite away to Kentucky; the information Excited me so - that I went immediately there. when I arrived in front of the house I found three Kentucky gentleman then standing out the door. one of whom was called Troutman - another Giltner, another Ford & another Lee. I walked up to Mr Troutman and asked him what business he had there in the morning breaking open peoples houses & making disturbance. his answer to me was, "he wanted to take those Colored people away to the Magistrate, & from there to Kentucky" I think I was about the first of the white men there, Excepting those from Kentucky. I then went into the house. there was some Colored people in the house. I commenced talking with them

When I arrived at the house of Croft White the four men from Kentucky were standing around, and did not seem to be doing any thing in particular. after I had been in the house some twenty minutes I looked out of the door and saw several people coming from town. some had got as far as the gate. people kept Continually Coming until there was a hundred & fifty or two hundred persons present at the house. while I was in the house Mistress Croft White sent away two of her Children telling them to go off to a neighboring house. the Children went away as directed. the Children that went away were two boys next to the oldest in age. after quite a number of men had collected at the house there seemed to be quite an Excitement in front of the house & remarks were made by many different persons, that they did not think the Kentuckians Could take the slaves away; one of the men from Kentucky remarked that they would take the Colored persons away if they had to bring a regiment of men from Kentucky to do it: upon that I made some pretty strong remarks, & I believe that Mr Gorham was not present at the time and did not arrive until a large Crowd had collected: about the first I saw of Mr Gorham - was subsequently to the time when the Excitement was getting to be high, & I was making some pretty strong remarks Mr Gorham came up to me and Cautioned me not to be excited or use any strong language - that he did not think they intended to take the slaves away: I do not remember seeing Mr Gorham on the ground previous to his Cautioning me, and during the time Mr Gorham was there I did not see him do anything - Except to Conciliate & allay the Excitement, and saw him induce a Colored Man named Patterson - who was armed, - to leave the ground I remained on the ground from the Commencement to the End of the affair & until all had left the place: ——

After quite a Crowd had collected, I saw Doctor Comstock Come into the gate and Come up to Troutman and as he Came up he appeared to be quite Excited, & remarked to Mr Troutman that he Could not take those slaves away, & Troutman asked him his name. He gave him his name and Mr

Troutman asked him his name. He gave him his name and Mr

Troutman set his name down in a book. Troutman then asked him if he was a responsible man, & Comstock I think, told him to ask his neighbors. Troutman then asked Comstock - if he meant to say - that he should not take those slaves away? - Comstock appeared to refer to the Excitement among the persons present - as a reason why he could not take them away. When Doct Comstock first told Troutman he could not take those slaves away, I think he said to Troutman - he could not take them either by moral legal or physical force. I

I saw Jonis Hurd on the ground at the house of Crosswhite about the time I first saw Mr Gorham. — I did not observe that Mr Hurd took any active part in the affair. & when nearly all had left the ground, he offered a resolution (in a jesting way as I supposed) "that the Kentucky men have two hours to leave town or be prosecuted for breaking open peaceible Citizens houses." At that time I made some remarks, at which Mr Gorham again Cautioned me - as he also did Mr Hurd. The first I heard of any resolutions, was when nearly all had left the ground & men going away. I then heard Mr Hurd offer the resolution as above. & immediatly after Mr Hurds resolution Mr Troutman offered a resolution - "that we adjourn to meet at this place at two o'clock and you will find me upon the ground" —

Up to about the time of Mr Hurds resolution after Doct Comstock had given his name to Mr Troutman, I was in and about the Crowd, and heard no resolution offered by Mr Gorham, and had a good opportunity of hearing all & any thing that was said. At the time Mr Hurds resolution was offered, none of the Kentuckians Except Mr Troutman were present. the other three had gone away towards the Village. When I first went to Crosswhites house, there was nothing to prevent or hinder the Kentuckians, from taking Crosswhites family away — had they been disposed so to do. and there was no Effort made on the part of the Kentuckians to remove Crosswhites family or any of them —

Just previous to the time Mr Hurd offered his resolution I was in the house. the Crosswhite family had all left

I Came out & heard Hurds resolution & Boutmans & returned into the house again & I remained to fix up the doors that had been broken down so that the house could be shut up. At no time during the gathering at Crafwhites house - was there any attempt made by the Kentuckians to remove Crafwhites family or any of them, nor there was there any physical opposition offered on the part of those or any one present, to their removal, but the Kentuckians appeared to be more busily Engaged in Enquiring the names of those present, and their residence than in securing the persons of the Crafwhite family. I was the last person to leave the premises, (having remained (after the others had dispersed) to fix up the doors as above stated

Samuel Carey

Subscribed & Sworn to before me
this twenty third day of September
A.D. 1848 Henry K White
Commissioner appointed by the District
Court of the United States for the District
of Wisconsin, to take affidavits and
acknowledgments of bail

And I do further Certify that the said Witness was produced and Examined on behalf of said Defendants, that his testimony was reduced to writing by myself and Carefully read over to him and was by him subscribed in my presence. that no notice was given to the plaintiff or his Attorney of the time and place of taking this deposition for the reason that neither was within one Hundred Miles of the place of Caption and taking the same - that the reason for taking said deposition is that said Witness lives more than one hundred miles from the place of trial of said Cause. That I am not interested in the Event of said Cause and am not of Counsel or Attorney for either party thereto. that said Witness was Carefully by me Examined Cautioned and Sworn to testify the whole truth that this deposition will be sealed up by myself and will be retained in my Custody until it shall be by myself directed to the Circuit Court of the United States for the District of Michigan at Detroit and be deposited in the Post Office with such direction

Henry K White Commissioner
Appointed by the District Court of the
United States for the District of Wis-
consin to take affidavits & Acknowledg-
ments of Bail

United States of America }
District of Wisconsin } ss

I George S West Clerk of the District Court of the United States of America for the District of Wisconsin do hereby certify that I am well acquainted with the handwriting of Henry K. White Esqr whose name is subscribed to the annexed depositions and that the signature to the same is in his proper handwriting

And I do further certify that he was at the time of signing the same, a Commissioner of the District Court of the United States for the District of Wisconsin for taking affidavits, and acknowledgements of bail, for said Court duly appointed and qualified as such

In testimony whereof I have hereunto subscribed my name and duly affixed the seal of the said District Court this twenty-fifth day of September in the year of our Lord one thousand eight hundred and forty eight, and of the Independance of these United States the Seventy third

Geo S West Clerk

No. 1900

Francis Gilbner
Charles W.m J. Gorham
Oliver C. Comstock, Junior.
Jarvis Hurd
Hanker Moss
William Parker
Charles Bergen &
James Smith

Deposition of Samuel Camp

I certify that on the 11th Oct. 1848 I rec.d the within depositions from the Post Office in Detroit and on the same day in open Court I broke open & filed the same

H.C. Wisner
Clerk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
George Ingersoll impleaded with Charles T. Gorham and Oliver C. Comstock & Co. Harris Hurd Asa B Cook and others

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the second count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the third count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fifth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Attys for Pltff

1900

Circuit Court for U.S.
And Dist of Mich.

Francis Giltner
vs
Georg Ingersoll
impleaded with
Charles T. Gorham
And others

Joinder in demurrer
To file

Pratt & Avery
Atty's for Pltff's

Fil'd Jan'y 3. 1848
H. Wonder
Clerk

Circuit Court U.S.
Dist of Michigan -
Francis Gilman
vs
Chas G. Gilman defendants

Joy of Counsel for Gilman & Ward files their exceptions to the bill of costs of the plaintiff

First He excepts to the several charges made for engrossing pleadings & papers & to the charges made for office copies -

Second to charges for re-engrossing & copies of the same -

Third to all the charges for amended bill engrossing - copies - drafts - &c connected with the same & motions & rules connected therewith.

Fourth - to charge for engrossing & copies of replication to plea Puis darrein &c &c

Fifth to charge for draft & copies of interrogatories & attending to settle the same

Sixth to all motions to bring causes to trial & charges for the same -

Seventh to charges for Marshals fees in serving subpoenas - they not being served by Marshal -

Eighth to the charges made for travel of Witnesses Daniel Gilman - Ford - Michael Gilman - Spence - Hinkle being for travel beyond the limits of the State of Michigan -

Ninth to the charge of double travel for Ford

in the present term

Tenth - To the charges made for travel & attendance of George W. Nealson, Steffen & Preston they never were subpoenaed & the attendance procured by the defendants themselves -

Eleventh - To the charges for double travel for Amos Dean, Nealson & Fitzgerald -

J F Gay Jr

Counsel for Govrment

Deml -

Circuit Court of the U.S.
for the 7th Circuit and
District of Michigan

Francis Gilbert
vs
Charles T. Gorham
Oliver C. Comstock &c
and others
} An action on the Case &c

Same Plff
vs
Charles T. Gorham
} Action of debt on penalty &c

Same Plff
vs
Oliver C. Comstock &c
} Same as last above

Same Plff
vs
David Hurd
} Same

Same Plff
vs
Asa B. Cook
} Same

Same Plff
vs
George Ingersoll
} Same

Same Plff
vs
John M. Easterly
} Same

Same Plff
vs
Randall Hobart
} Same.

It is hereby stipulated that the Attys for the Plff in the above Causes May have until the first day of January next to file joinders to the demurrers interposed on the part of the Defts in said Causes to the said

Pltffs declarations, service of copies of the same being hereby waived. And it is further stipulated that said demurrers be argued before the Hon R. Wilkins Judge &c at chambers some day in the course of the month of January next, when it shall best accommodate said Judge and the counsel for the respective parties &c –

Detroit 14th Octobr 1847

T Romeyn
Atty & of Counsel
for Defts –

Pratt & Gray Attys
for Plffs & of Counsel

Circuit Court of U.S.
for 7th Ct. & Distr. of Mich.

Francis Gilbner
vs
Charles T. Gorham
and others

Same Pltffs
vs
Charles T. Gorham

And six other causes

Stipulation to file –

Filed October 14th 1847
Jno. A. Winder Clerk
By Geo. G. Bull
Deputy

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,

vs.

John M Easterly
impleaded with
Charles T. Gorham
Oliver C. Comstock Jr.
Harris Hurd
Asa B. Cook
And Others

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the second count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the third count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fifth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Atty's for Plff

1900

Circuit Court for U.S.
And Dist. of Mich.

Francis Giltner
vs
John M Easterly
impleaded with
Charles T. Gorham
And others

Joinder in demurrer
To file

Pratt & Crary
Attys. for Plffs.

Fil.d Jan. 23. 1848
Jn. Winder
Clerk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
Hanter Mopp
impleaded with
Charles T. Gorham
Oliver C. Comstock &c.
David Hyde
Asa B. Cook
and others

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the second count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the third count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fifth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Attys. for Pltff.

1902

Circuit Court for U. S.
And Dist. of Mich.

Francis Siltner
vs
Planter Mfg. Co.
Impleaded with
Charles P. Gorham
And others

Joinder in demurrer
To file.

Pratt & Crary
Atty's for Plff's

Fil'd Jan'y 3. 1848
Jn° Winder
Clerk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
Charles Bergen impleaded with Charles T. Gorham Oliver C. Comstock Jr. Lavi's Hurd Asa D Cook and others

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the *first* count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *second* count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *third* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fourth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fifth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Atty's for Pltff.

1900

Circuit Court for U.S.
And Dist. of Mich.

Francis Giltner
vs
Charles Bergan
impleaded with
Charles T. Gorham
and others

Joinder in demurrer
To file.

Pratt & Crary
Atty's for Pltff.

Fd Jan 4 3. 1900
H. O. Wunder
clk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
Charles T. Gorham impleaded with Oliver C. Comstock & D. David Hurd, Asa B. Cook And others

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the second count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the third count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fifth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Attys for Plff.

1900

Circuit Court for U.S.
And Dist. of Mich.

Francis Giltner
vs
Charles T. Gorham
impleaded with
Oliver C. Comstock &c.
and others

Order in demurrer
To file -

Pratt & Crary
Atty's for Pltff.

Fil'd Jan'y 3. 1848
H. Winder
Clerk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
Randall Hobart
impleaded with
Charles T. Gorham
Alvin Comstock &
Davis Hyde
Ada B Cook
and Others

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the second count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the third count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fifth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Atty's for Pltff

1900.
Circuit Court for U.S.
and Dist. of Mich.

Francis Giltner
vs
Randall Hobart
impleaded with
Charles T. Gorham
And others

Joinder in demurrer
To file

Pratt & Crary
Attys for Pltff.

Fil. June 3. 1848
J. McWinder
Clerk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
Jarvis Hurd impleaded with Charles D Gorham, Oliver C Comstock Jr., Asa B Cook, John M Easterly, George Ingersoll, William C Rector, Harmon Camp, Randall Hobart, Hunter Moss, William Parker, Charles Bedgen & James Smith

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the *first* count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *second* count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *third* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fourth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fifth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Atty's for Pltff

1900
Circuit Court for the U.S.
and Dist of Mich.

Francis Silsbee
vs
Harris Hurd
impleaded with
Charles T. Gorham
and others

Order in demurrer
To file.

Pratt & Avery
Attys. for Plff.

Fil. Jan. 3. 1878
P. O'Wade
Clk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
Oliver C. Comstock &c. impleaded with Charles A. Gorham, Jarvis Hurd, Asa B. Cook George Ingersoll and others — } *Of the June Term, 1847.*

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the *first* count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *second* count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *third* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fourth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fifth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Attys for Plff.

1900.

Circuit Court for U.S.
and Dist. of Mich.

Francis Silver
vs
Oliver Comstock Jr.
impleaded with
Charles P. Gorham
and others

Joinder in demurrer
To file

Pratt & Geary
Atty's for Plff's

Filed Jan'y 3. 1900.
W. Wunder
Clerk

3450
250
3800

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
William C. Rector impleaded with Charles T. Gorham Oliver C. Comstock Jr. David Hurd Ada B. Cook and others

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the *first* count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *second* count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *third* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fourth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fifth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Attys for Pltff.

1904

Circuit Court for W.S
and Dist. of Mich.

Francis Giltner
vs
William L. Rector
impleaded with
Charles T. Gorham
and Others

Joinder in demurrer
To file

Pratt & Crary
Atty's for Plff's

Fil. Jan. 3. 1848
H. Wendell
Clerk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
William Parker
impleaded with
Charles T. Gorham
Oliver C. Comstock Jr.
Harvis Hurd
Asa B Cook
and others

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the second count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the third count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fifth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Attys for Pltff

1900

Circuit Court for U. S.
And Dist. of Mich.

Francis Bittner
vs
William Parker
impleaded with
Charles T. Gorham
and others

Joinder in demurrer
To file

Pratt & Crary
Atty's for Pltff.

Filed Jan'y 3. 1848
H. C. Winder
Clerk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
James Smith
impleaded with
Charles T. Gorham
Oliver C. Comstock &c.
David Hurd
Asa B Cook
and others —

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the *first* count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *second* count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *third* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fourth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the *fifth* count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his *damages* by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Attys. for Plff.

1900

Circuit Court for U. S.
And Dist. of Mich.

Francis Giltner
Vs
James Smith
impleaded with
Charles T. Gorham
and Others

Joinder in demurrer
To file —

Pratt & Gray
Atty's for Plff.

Fd. Jan. 3. 1848
R. Winder
Clerk

United States of America.
Circuit Court of the United States for 7th Circuit and District of Michigan.

Francis Giltner,
vs.
Asa B Cook
impleaded with
Charles T Gorham
Oliver C Comstock Jr.
Harris Hurd
John M Easterly
and others

Of the June Term, 1847.

And the said Plaintiff, by Pratt & Crary, his Attorneys, as to the plea of the said Defendant by him first above pleaded, and whereof he hath put himself upon the country, doth the like.

And the said Plaintiff saith that the first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the second count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the third count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him, &c.

And the said Plaintiff saith that the fifth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are sufficient in law for him the said Plaintiff to have and maintain his aforesaid action thereof against him the said Defendant, and the said Plaintiff is ready to verify and prove the same as the court here shall direct and award; Wherefore inasmuch as the said Defendant hath not answered the said count nor hitherto in any manner denied the same, the said Plaintiff prays judgment and his damages by reason of the grievances in the said count mentioned to be adjudged to him &c.

Pratt & Crary
Attys for Pltff

1900.

Circuit Court for the U.S.
and Dist. of Michigan

Francis Silliver
v
Asa D Cook
impleaded with
Charles T Gorham Etal

Joinder in demurrer
To file

Platt & Crary
Atty's for Plff's

Fd. Jan. 3. 1848
H. Winder
Clerk

Circuit Court for the U.S
for the Dist of Mich

Francis Gilmer
vs
Randall Hobart
and others

Costs on demurrer

Draft Joinder 2 fol 25 per fol	$1.50
2 Copies of same	1.50
~~Service of same~~	~~0.25~~
Attendance Argt demurrer	3.00
Brief for same	1.00
Term fee	1.00
Attendance & taxation	0.25
	$ 9.87

I hereby tax the above bill of costs at the sum of nine 87/100 dollars
July 13. 1848

G. G. Bush
Deputy Clerk

1900

Circuit Court of the United States for the District of Michigan.

Asa B. Cook ~~Charles T. Gorham~~, impleaded with Charles T. Gorham, Oliver C. Comstock, Junior, ~~Asa B. Cook~~, Jarvis Hurd, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen and James Smith.
ads.
Francis Giltner.

And the said defendant, impleaded as aforesaid, by Theodore Romeyn, his attorney, comes and defends the wrong and injury, when, &c. and as to the sixth and seventh counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him, and of this he puts himself upon the country, &c.

And as to the said first count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said first count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the first count of said amended declaration; that is to say,

First: There is no averment in the said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-seventh day of January, in the year eighteen hundred and forty-seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall, and became fugitives from labor there.

Fourth: It is not averred in said count, with proper certainty and in traversable form, when the said parties escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Eighth: There is no specification in said first count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said first count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the second count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said second count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said second count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer, to the second count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the sixth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-sixth day of January, eighteen hundred and forty-seven, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were held to service or labor.

Third: There is manifest repugnancy in said count, in stating the time when the persons above named fled into the village of Marshall, and became fugitives from labor.

Fourth: It is not averred in said count, with proper certainty and in traversable form, *when* the said persons escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action, or ground of complaint against them.

Seventh: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Eighth: There is no specification in said second count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said second count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count in said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said third count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the first day of December, in the year eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fourth: It does not appear from said third count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth: There is no averment, in legal and traversable form, that on the twenty-seventh day of January, eighteen hundred and forty-seven, that the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that, on that day, they were in Marshall at all.

Sixth: There is no specification in said third count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said third count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

cient, &c.

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fourth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the tenth day of December, A. D. eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor; nor is there such averment in regard to the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Third: It is not averred in said count, with proper certainty, and in traversable form, that the said persons were fugitives from labor, on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth: It does not appear from said fourth count, and is not therein averred, or shown with certainty, in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering or seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fourth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that the said fourth count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fifth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fifth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fifth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the fifth count of said amended declaration: that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the fifteenth day of December, one thousand eight hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor,—nor that they were so held to labor or service on twenty-seventh January, A. D. eighteen hundred and forty-seven.

Third: There is no averment in proper and traversable form, that on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven, the said persons were fugitives from labor.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Fifth: It does not appear from said fifth count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiffs in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fifth count of any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth count of said amended declaration, is in other respects uncertain, informal, and insufficient, &c.

T. ROMEYN,
Attorney and of Counsel for Defendant.

1900
Circuit Court of the U. S. for
the Dist. of Michigan

Asa B. Cook, impleaded
with Charles T. Gorham & al
ads.
Francis Giltner

Demurrers to
Amended Declaration

T. Romeyn Atty &
of Counsel for Deft

Filed October 4th 1847
Jno Winder Clerk
By Geo. L. Bull Deputy

Circuit Court of the United States for the District of Michigan.

George Ingersoll Charles T. Gorham
~~Charles T. Gorham~~, impleaded with Oliver C. Comstock, Junior, Asa B. Cook, Jarvis Hurd, John M. Easterly, ~~George Ingersoll~~, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen and James Smith.
ads.
Francis Giltner.

And the said defendant, impleaded as aforesaid, by Theodore Romeyn, his attorney, comes and defends the wrong and injury, when, &c. and as to the sixth and seventh counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him, and of this he puts himself upon the country, &c.

And as to the said first count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said first count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the first count of said amended declaration; that is to say,

First: There is no averment in the said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-seventh day of January, in the year eighteen hundred and forty-seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall, and became fugitives from labor there.

Fourth: It is not averred in said count, with proper certainty and in traversable form, when the said parties escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Eighth: There is no specification in said first count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said first count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the second count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said second count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said second count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer, to the second count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the sixth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-sixth day of January, eighteen hundred and forty-seven, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were held to service or labor.

Third: There is manifest repugnancy in said count, in stating the time when the persons above named fled into the village of Marshall, and became fugitives from labor.

Fourth: It is not averred in said count, with proper certainty and in traversable form, *when* the said persons escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action, or ground of complaint against them.

Seventh: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Eighth: There is no specification in said second count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said second count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count in said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said third count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the first day of December, in the year eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fourth: It does not appear from said third count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth: There is no averment, in legal and traversable form, that on the twenty-seventh day of January, eighteen hundred and forty-seven, that the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that, on that day, they were in Marshall at all.

Sixth: There is no specification in said third count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said third count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

tion, the said defendant, impleaded as aforesaid, by
said fourth count of the said

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fourth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the tenth day of December, A. D. eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor; nor is there such averment in regard to the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Third: It is not averred in said count, with proper certainty, and in traversable form, that the said persons were fugitives from labor, on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth: It does not appear from said fourth count, and is not therein averred, or shown with certainty, in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering or seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fourth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that the said fourth count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fifth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fifth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fifth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the fifth count of said amended declaration: that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the fifteenth day of December, one thousand eight hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor,—nor that they were so held to labor or service on twenty-seventh January, A. D. eighteen hundred and forty-seven.

Third: There is no averment in proper and traversable form, that on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven, the said persons were fugitives from labor.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Fifth: It does not appear from said fifth count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiffs in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fifth count of any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth count of said amended declaration, is in other respects uncertain, informal, and insufficient, &c.

T. ROMEYN,
Attorney and of Counsel for Defendant.

1900

Circuit Court of the U.S. for the Dist of Michigan

George Ingersoll impleaded with Charles T. Graham et al.

vs

Francis Giltner

Demurrer to amended declaration -

T Romeyn atty & of Counsel for Defts

Filed October 4th 1897

Fred Wilson Clerk

By Geo S Bell Deputy

Circuit Court of the United States for the District of Michigan.

Randall Hobart Charles T. Gorham

~~Charles T. Gorham~~, impleaded with Oliver C. Comstock, Junior, Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, ~~Randall Hobart~~, Planter Moss, William Parker, Charles Bergen and James Smith.

ads.

Francis Giltner.

Rovey K. Clarke

And the said defendant, impleaded as aforesaid, by ~~Theodore Romeyn~~, his attorney, comes and defends the wrong and injury, when, &c. and as to the sixth and seventh counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him, and of this he puts himself upon the country, &c.

And as to the said first count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said first count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the first count of said amended declaration; that is to say,

First: There is no averment in the said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-seventh day of January, in the year eighteen hundred and forty-seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall, and became fugitives from labor there.

Fourth: It is not averred in said count, with proper certainty and in traversable form, when the said parties escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Eighth: There is no specification in said first count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said first count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the second count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said second count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said second count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer, to the second count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the sixth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-sixth day of January, eighteen hundred and forty-seven, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were held to service or labor.

Third: There is manifest repugnancy in said count, in stating the time when the persons above named fled into the village of Marshall, and became fugitives from labor.

Fourth: It is not averred in said count, with proper certainty and in traversable form, *when* the said persons escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action, or ground of complaint against them.

Seventh: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Eighth: There is no specification in said second count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said second count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count in said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said third count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the first day of December, in the year eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fourth: It does not appear from said third count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth: There is no averment, in legal and traversable form, that on the twenty-seventh day of January, eighteen hundred and forty-seven, that the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that, on that day, they were in Marshall at all.

Sixth: There is no specification in said third count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said third count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fourth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the tenth day of December, A. D. eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor; nor is there such averment in regard to the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Third: It is not averred in said count, with proper certainty, and in traversable form, that the said persons were fugitives from labor, on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth: It does not appear from said fourth count, and is not therein averred, or shown with certainty, in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering or seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fourth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that the said fourth count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fifth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fifth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fifth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the fifth count of said amended declaration: that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the fifteenth day of December, one thousand eight hundred and forty three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor,—nor that they were so held to labor or service on twenty-seventh January, A. D. eighteen hundred and forty-seven.

Third: There is no averment in proper and traversable form, that on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven, the said persons were fugitives from labor.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Fifth: It does not appear from said fifth count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiffs in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fifth count of any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth count of said amended declaration, is in other respects uncertain, informal, and insufficient, &c.

Hovey K. Clarke ~~T. ROMEYN~~,

Attorney and of Counsel for Defendant.

1900
Circuit Court of the U.S.
for the District of Michigan

Randall Hobart, impleaded
with Charles T. Gorham et al
ads
Francis Giltner

Demurrer to amended
declaration.

Hovey K. Clarke Atty
& of Counsel for Dft

Filed October 4th 1847
Jno Winder Clerk
By Geo G Bull Deputy

Circuit Court of the United States for the District of Michigan.

William Parker ~~Charles T. Gorham~~, *impleaded with* Charles T. Gorham Oliver C. Comstock, *Junior, Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss,* ~~*William Parker*~~, *Charles Bergen and James Smith.*
ads.
Francis Giltner.

And the said defendant, impleaded as aforesaid, by Hovey K. Clarke ~~Theodore Romeyn~~, his attorney, comes and defends the wrong and injury, when, &c. and as to the sixth and seventh counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him, and of this he puts himself upon the country, &c.

And as to the said first count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said first count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the first count of said amended declaration; that is to say,

First: There is no averment in the said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-seventh day of January, in the year eighteen hundred and forty-seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall, and became fugitives from labor there.

Fourth: It is not averred in said count, with proper certainty and in traversable form, when the said parties escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Eighth: There is no specification in said first count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said first count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the second count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said second count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said second count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer, to the second count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the sixth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-sixth day of January, eighteen hundred and forty-seven, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were held to service or labor.

Third: There is manifest repugnancy in said count, in stating the time when the persons above named fled into the village of Marshall, and became fugitives from labor.

Fourth: It is not averred in said count, with proper certainty and in traversable form, *when* the said persons escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action, or ground of complaint against them.

Seventh: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Eighth: There is no specification in said second count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said second count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count in said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said third count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the first day of December, in the year eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fourth: It does not appear from said third count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth: There is no averment, in legal and traversable form, that on the twenty-seventh day of January, eighteen hundred and forty-seven, that the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that, on that day, they were in Marshall at all.

Sixth: There is no specification in said third count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said third count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fourth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the tenth day of December, A. D. eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor; nor is there such averment in regard to the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Third: It is not averred in said count, with proper certainty, and in traversable form, that the said persons were fugitives from labor, on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth: It does not appear from said fourth count, and is not therein averred, or shown with certainty, in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering or seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fourth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that the said fourth count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fifth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fifth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fifth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the fifth count of said amended declaration: that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the fifteenth day of December, one thousand eight hundred and forty three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor,—nor that they were so held to labor or service on twenty-seventh January, A. D. eighteen hundred and forty-seven.

Third: There is no averment in proper and traversable form, that on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven, the said persons were fugitives from labor.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Fifth: It does not appear from said fifth count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiffs in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fifth count of any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth count of said amended declaration, is in other respects uncertain, informal, and insufficient, &c.

Hovey K. Clarke ~~T. ROMEYN~~,

Attorney and of Counsel for Defendant.

1900.

Circuit Court of the U.S. for the Dist of Michigan

William Parker, impleaded with Charles T. Gorham et al

ads.

Francis Giltner

Demurrer to amended declaration

Hovey K. Clarke Atty of Counsel for Defts

Filing October 4th 1899
In Circuit Court
By Robt Ball
Deputy

Circuit Court of the United States for the District of Michigan.

Oliver C. Comstock Junior, Charles T. Gorham ~~Charles T. Gorham~~, *impleaded with* ~~Oliver C. Comstock, Junior~~, *Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen and James Smith.*

ads.

Francis Giltner.

And the said defendant, impleaded as aforesaid, by Theodore Romeyn, his attorney, comes and defends the wrong and injury, when, &c. and as to the sixth and seventh counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him, and of this he puts himself upon the country, &c.

And as to the said first count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said first count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the first count of said amended declaration; that is to say,

First: There is no averment in the said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-seventh day of January, in the year eighteen hundred and forty-seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall, and became fugitives from labor there.

Fourth: It is not averred in said count, with proper certainty and in traversable form, when the said parties escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Eighth: There is no specification in said first count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said first count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the second count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said second count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said second count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer, to the second count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the sixth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-sixth day of January, eighteen hundred and forty-seven, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were held to service or labor.

Third: There is manifest repugnancy in said count, in stating the time when the persons above named fled into the village of Marshall, and became fugitives from labor.

Fourth: It is not averred in said count, with proper certainty and in traversable form, *when* the said persons escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action, or ground of complaint against them.

Seventh: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Eighth: There is no specification in said second count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said second count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count in said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said third count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the first day of December, in the year eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fourth: It does not appear from said third count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth: There is no averment, in legal and traversable form, that on the twenty-seventh day of January, eighteen hundred and forty-seven, that the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that, on that day, they were in Marshall at all.

Sixth: There is no specification in said third count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said third count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fourth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the tenth day of December, A. D. eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor; nor is there such averment in regard to the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Third: It is not averred in said count, with proper certainty, and in traversable form, that the said persons were fugitives from labor, on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth: It does not appear from said fourth count, and is not therein averred, or shown with certainty, in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering or seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fourth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that the said fourth count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fifth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fifth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fifth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the fifth count of said amended declaration: that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the fifteenth day of December, one thousand eight hundred and forty three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor,—nor that they were so held to labor or service on twenty-seventh January, A. D. eighteen hundred and forty-seven.

Third: There is no averment in proper and traversable form, that on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven, the said persons were fugitives from labor.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Fifth: It does not appear from said fifth count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiffs in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fifth count of any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth count of said amended declaration, is in other respects uncertain, informal, and insufficient, &c.

T. ROMEYN,
Attorney and of Counsel for Defendant.

1900

Circuit Court of the U. S.
for the Dist of Michigan

Oliver C. Comstock Junior
impleaded with Charles T.
Gorham sal
ads.
Francis Gilton

Demurrer to
Amended Declaration

J Romeyn atty &
of Counsel for Defts

Filed October 4th 1899
Jno Winder Clerk
By Geo S Bull
Deputy

Circuit Court of the United States
for the 7th Circuit & Dist of Michn

Charles F. Goreham Jarvis Hand
Oliver C. Comstock Jr. Planter Mess
William Parker Charles Bingan & James
Smith

ads

Francis Giltner

District of Indiana ss: John A Van
Horne being duly sworn doth depose and say
that he this deponent. is the agent ~~and attor-~~
~~ney~~ of the dependants in this case — That
he is advised by the counsel of the Dependants
and verily believes that the testimony of
John Brown, Samuel G Wilson, James Newbanks,
Jabnes McKay, Samuel Snead, Elias Thompson,
Joseph Childs, Jacob Anthony, Asbel P Willard,
John B Kelly, Willett Bullitt, & Phineas M Kent, & Augustus W Jones
the city of New Albany, Indiana, and Albert A Lathrop & John
~~of Counsel. of~~ Duff of Louisville, Kentucky
is material and necessary for the said Dependants
in the defence of said cause — That all of the said
above mentioned witnesses live at the places
above stated and ——— more than
one hundred miles from Detroit in the State of
Michigan where the Court at which said deponent
expects said cause will be tried is appointed by
law to be held

And this deponent. further says
that he is informed And believes that Francis Giltner
the above named Plaintiff resides in Carroll
County in the State of Kentucky about sixty
——— miles from the city of New Albany

the place where the examination of the said wit-
nesses is expected to be taken; and that Messrs Pratt
& Gray the said Defts. attys. reside at Marshall
in the State of Michigan about three hundred
miles from the place last above mentioned

Jno B Van Horne

Subscribed and sworn to before me by the
above named John A Van Horne, at the city of
New Albany in the state of Indiana on the
30th day of October 1848 Thos L Smith
A Judge of the Supreme Court of
the state of Indiana —

Circuit Court of the United States
for the 7th Circuit & Dist of Mich.

Charles P. Graham Oliver C. Comstock Jr
Jarvis Hurd Hunter Moss, William
Parker Charles Bingan & James Smith
vs
Francis Gildner

Let John Brown, Samuel J Wilson, James Newbanks
Jabner McKay, Samuel Snead, Elias Thompson,
Joseph Childs, Jacob Anthony, Asbell P Millard,
John B Kelly, Willis Bullitt, Phineas M Hunt, Albert
W Lathrop and John T Duff, & Augustus W Gaines

The witnesses named in the above affidavit be ex-
amined de bene esse before me accordingly at
the office of P M Hunt Esqr in the city of New Albany, Indiana,
on the 8th day of November 1848 at 8 O
clock in the forenoon and (let four
days notice be given to the said Plaintiff of

such examination)

Thos L Smith a Judge of the Supreme Court of the State of Indiana ——

Be it remembered that on the 30th day of October one thousand eight hundred & forty eight at New Albany Indiana John A. Van Horn personally appeared before me a Thomas L Smith a Judge of the Supreme Court of the State of Indiana and made oath that he the said John A Van Horne was the agent of the defendants in a suit then depending in the Circuit Court of the United States for the 7th Circuit & Dist of Michn wherein Francis Giltner was Plaintiff and Charles F. Graham Oliver C. Comstock Jr. James Hunt Planter Hoge William Parker Charles Bryan & James Smith were Defendants that the testimony of John Brown, Samuel J Watson, James Newbanks, Zebner McKay Samuel Snead, Elias Thompson Joseph Childs, Jacob Anthony, Ashbel P Willard, John B Nelly, Willet Bullet Phineas M Read & Augustus W James of New Albany Indiana, & Albert W Lattrop and John T Huff of Louisville Kentucky was material & necessary for the said Defendants in the defence of said suit and that they the said witnesses lived as above stated at New Albany Indiana and Louisville Kentucky — more than one hundred miles from Detroit in the State of Michigan where the Court at which he the said John a Van Horne expected the said cause to be tried, was appointed by law to be held — That the said Francis Giltner the above named Plaintiff resided

in Canal County in the State of Kentucky about
sixty ——— miles from the City of New Albany
aforesaid and that Messrs Pratt & Cravy his attys
resided at Marshall in the State of Michigan
about three hundred miles from New Albany
aforesaid And the said John A Van Horne
agent for the Defts. ~~the~~ requested me that the said
witnesses ~~herein~~ before named

might be examined according to the directions of
the act of Congress in such case made & provided
Whereupon I ordered that the said witnesses
herein before named

Should be examd de bene esse before me at the
office of P M Hunt Esq in New Albany ~~hereinafter~~ and that four
days notice should be given to the said Francis Geltner
defendant of such examination to the end that he
might if he should see fit be present at the examination
& put interrogatories & I having satisfactory proof that
said notice had been given and the said
defendants by John A Van Horne their agent

appearing before me at the office of P M Hunt Esq in the City of New Albany
on the eighth day of November 1848 at eight o'clock A.M.
I have therefore proceeded with said examination

And the said John Brown
being ~~duly sworn~~ carefully examined & cautioned
& duly sworn to testify the whole truth & nothing
but the truth Saith he is aged fifty two
years, that he is by occupation a tanner
and that he resides in the City of New
Albany, Indiana; that he is not acquain

-ted with either of the parties to this suit; that he was born in Maryland and resided in that state until he was twenty one years old; then resided in Virginia and Kentucky five years; that he has since resided in New Albany twenty nine years within four miles of Louisville one of the principal slave markets of Kentucky: that during his residence at New Albany he has been acquainted with many of the planters and slave owners in Kentucky in the vicinity of Louisville and Frankfort; that in his opinion the value of a family of slaves, consisting of a man aged about forty, a woman of about fifty, a boy about fifteen, a boy of thirteen, a boy of eleven and a girl of nine years, who had escaped from Kentucky to the state of Michigan and had remained there unclaimed about four years, would when reclaimed, be reduced fifty per cent below the value of slaves who had never run away, in any market in Kentucky; that the reason he considers them of so much less value is, that they are considered dangerous to other slaves in enticing them to run to away, and in knowing them the means to do so: that there are some slave owners who would not keep a family of runaway slaves, and that if he was a farmer in Kentucky he would not keep such a family!

At this stage of the examination the plaintiff Francis Gilmore appeared in

person and by W B Winslow Esq his attorney and excepted to the taking of these depositions because the testimony was obtained by the witnesses upon interrogatories by the defendants counsel which are not recorded in the depositions

Question by N.N. Did you ever see, or do you know any thing of the value of the particular Slaves in Controversy in this Suit?

Answer — No:

Question by Same, Do you know any thing of the value of Slaves in Carroll County Ky.?

Answer. No.

Question by Same, Did you ever buy or sell Slaves yourself, or were you ever present at the buying or selling of Slaves in Kentucky?

Answer: I never bought slaves and I do not recollect that I was ever present at the buying or selling of slaves in Kentucky—

Question by Same, Is the estimate which you have given of the value of Slaves in your testimony in Chief based upon the idea of sale under the hammer only, and is there or not a difference of price when so sold and when sold in the Country among the farmers & Planters themselves & if so what difference?

Answer The estimate which I have given of the value of slaves was not based upon the idea of a sale under the hammer only, I do not know that there is any difference in the price when so sold and when sold among the farmers themselves privately.

Question by Same, Does not the value of Slaves depend very materially upon the Known Character habits, and business qualifications of the particular slaves themselves, and would not any one who was acquainted with the Slaves in Controversy in this Suit, & the price of Slaves generally in Kentucky be much better prepared to estimate their value than you could possibly be without having Known the Slaves?

Answer — Yes

John Brown

And the said Samuel G Wilson being also duly sworn to testify the truth the whole truth and nothing but the truth saith — That he was born in the state of Virginia: that he resided in that state until he was thirty two years old: that in 1819 he removed to Mason County Kentucky near Maysville — that he resided there several years and then removed to Franklin County near Frankfort — that he removed to New Albany in 1827 where he has ever since resided — The distance from New Albany to Louisville is four miles: that Louisville is one of the principal slave markets in Kentucky: during his residence at New Albany he has been twice to Maysville by the river, and he thinks then or four times from Maysville to Lexington and Frankfort: that he has been in the habit of frequently visiting

Louisville and Jefferson County Kentucky;
that he had once a considerable acquaintance with the slave holders of Kentucky
but that it has been several years since
he has mingled much with them: That
in his opinion the value of a negro man
about forty years of age, a woman about
fifty, a boy about fifteen, a boy about
thirteen, a boy about eleven, and a girl
about nine, who had escaped from
Carroll county, to the State of Michigan
when they had remained unreclaimed
about four years and the children had
been taught to read and write, and then
having been reclaimed and brought back
to Kentucky, when sold amongst the citizens
of Kentucky would be reduced fifty per
cent below what they would have been
worth if they had never run away, accor-
ding to his best impression; but that
if the owner should take them into Market
without disclosing the fact that they
had run away he might sell them to
traders according to their appearance with-
out any depreciation of value, but
that if the fact was revealed to the purchaser
he would be likely to make a considerable
deduction: that he is speaking now on
a sale to traders for the Southern markets:
that witness was a farmer when he resided
in Kentucky and that he is now an
That he is not acquainted with either of the parties
acting Magistrate in the City of New Albany.

The plff makes the same objection
to the manner of taking this deposition

as before noted —

Question by Plff. In Sales of Slaves in open market for the Southern trade is any regard paid to the character or habits of the Slave, or is it not taken for granted from the very fact of being so Sold that the character of the Slave is exceptionable?

Ans. Yes: that I believe to be the facts.

Question by Same, In ordinary Sales of Slaves among the citizens of Kentucky for use there. does not the value of Slaves depend very materially upon the known character, habits, dispositions & business qualifications, of the particular Slaves themselves, and would not any person who was acquainted with the Slaves in Controversy in this suit, be much better prepared to estimate their value than you could rightly be having no such acquaintance?

Ans. Yes. Saml G Wilson

And the said Thomas M Read also being duly sworn to testify the truth, the whole truth and nothing but the truth, saith: That he is aged thirty seven years, that he is a Lawyer by profession, that he resides in New Albany and is not acquainted with any of the parties to this suit — that for the last sixteen years he has resided between two and three years in Maryland, about seven years at Vevay, and the ballance of the sixteen years at New Albany Indiana, except about one

year during which he resided at Louisville Kentucky; that he is acquainted with slave dealers in Kentucky; that his knowledge of the value of slave property is not very good; that he has attended the slave market at New Orleans frequently within the last two or three years, and has also attended the slave market in Louisville; that a family of negroes consisting of a man aged about forty, a woman about fifty, a boy about fifteen, another about thirteen; another about eleven and a girl about nine who had escaped from Carroll County Kentucky to the State of Michigan and remained there married about four years, during which time the children had been learned to read and write, if brought back to Kentucky against their will would not be worth to hold in that part of the country more than one fourth the value they would have been worth had they never run away; if offered for sale to slave dealers for the Southern market with all the above facts known, it is his opinion there would be a depreciation of full one half their value; that this opinion is based upon personal observation and information derived from slave dealers and slave owners. The trade of buying up negroes by dealers for the South South in Kentucky and Maryland is considered a lucrative business.

The plaintiff makes the same objection to the manner of taking this dep-

-ritoir as before noted-

Question by Plff. Does the profit of which you speak derived from the purchase of Slaves in Kentucky and their sale in the more Southern States, grow out of the fact of them being purchased at an under rate in Kentucky, or does it not grow out of the fact that Slaves bear a better price in the South than in Kentucky?

Answer - Slave property is more valuable in the South than in Kentucky and the profit arising from purchasing slaves in Kentucky and selling them in the southern market arises from their being of lower price in Kentucky than in the South

Question by Same, Are you able to state from any Knowledge or information you may have upon the subject, whether Slaves generally bring a better price when sold at ordinary private sale among the farmers or Planters of Kentucky, or when sold in open market to Slave dealers for the South and if So please state what is the relative difference in price in the two modes of Sale?

Answer — Slaves sold at private sale among the farmers of Kentucky bring a better price than when sold in open market, the difference in the price which would be obtained by the two modes of sale would depend greatly on the character and quality of the Slaves and might be one quarter or even one half

Question by Same, Is not the price of Slaves so dependent upon the Character, habits.

dispositions & business qualifications as the particular slaves in question, as to render any valuation without an acquaintance with the slave exceedingly unsatisfactory? and would not any person with the same knowledge of the general value of Slaves in Kentucky, and an acquaintance with the particular slaves in Controversy in this suit be much better prepared to estimate their value than you are without such acquaintance?

Answer the qualifications and character of slaves would add to or diminish their value said market; and a person acquainted with the character and qualifications of the particular slaves in question, would be better able to testify as to their value than one not having such acquaintance.

Question by Defts counsel — Will runaway slaves sell as high to the planters in Kentucky as to negro traders?

Ans. I never knew of a planter buying a runaway slave —

Ques. How are slaves sold in the New Orleans market?

Ans. They are exhibited to the purchaser and their age, character and habits are stated

Phineas M. Kent

And also the said Archibald Wellford being duly sworn to state the truth, the whole truth and nothing but the truth saith:

that he is twenty seven years of age, a lawyer by profession and resides at New Albany: that he is acquainted with Charles T Gorehead, Oliver C Comstock jun, Jarvis Hord, three of the defendants in this suit & have seen this morning for the first time Francis Feltner, the remaining parties he does not know = that in December 1843, he went to Jefferson County, Kentucky, about twelve miles below Louisville, and there resided until December 1844, = that he travelled in central Kentucky till January 1845, and then travelled in the Southern States visiting New Orleans, and other places, until the latter part of March 1845 when he located at New Albany, four miles from Louisville, where he has since resided; that he has frequently seen slaves sold at public and private sale, both in Kentucky and the city of New Orleans; that he is acquainted with many of the farmers and large slave owners in the county of Jefferson in which Louisville is situated; that a family such as is described in the foregoing depositions of Messrs Hunt, Nelson and Brower, which have been read in his hearing, would not bring more than one half what they would have brought had they never escaped, if sold, in the Louisville Market: That the farmers living in the vicinity of the Ohio river would not purchase such slaves and have them brought upon their

farms where they could associate with their other slaves, and there be continued at any price: that the practice among the the farmers to the extent of his knowledge in Jefferson County, and other parts of Kentucky is to sell the runaway slaves provided they have been absent from the state long enough and far enough to have acquired a knowledge of the routes run away slaves take in escaping, to Southern dealers or to negro buyers for the Southern markets; such slaves will not bring as high a price as good orderly servants, when they are sold to the Southern dealers at Louisville or to the Southern planters at New Orleans - such slaves the Kentucky farmer is compelled to sell at once or permit them to associate with his slaves, and it is the practice of the negro buyer to pick them up and remove them to the various stations in Kentucky, of which he believes Louisville is the largest and as he is informed Lexington is the next largest, and there keep them confined either in the public prisons or in their private guard rooms, until they have accumulated a sufficient number to warrant a trip to the South; that in the Southern markets, where at New Orleans he has seen slaves sold both at public and private sale, run away

negroes, if that character is given them by the seller are purchased principally by the planters residing at a distance from the cotton counties: that in the cotton growing region of Mississippi on the Yazoo river, he has seen slaves sold at auction by the planter purposely upon the ground that they had been run-aways; that in his opinion the profits which the negro buyer makes upon the runaway slave is greater than that upon any other, and this arises from the fact that he has the advantage of the seller, the latter being limited in the number of purchasers: that a runaway slave is worth more relatively in the city of New Orleans as compared with one not a runaway than he is in Kentucky; that the planter in the South has not so strong an objection as the planter in Kentucky because the chances of escape are not so great: that while there might be fifty per cent depreciation in the value of a runaway slave, at Louisville, in his opinion the depreciation would not be more than thirty per cent at New Orleans judging from the sales he saw there in the winter of 1844-5—

Question by Mr. Are you the Attorney of the deponents engaged on their behalf, & as such have you propounded to the witness the interrogatories upon which their testimony has been detailed in the foregoing depositions and is P M Kent Esq whose deposition precedes yours associated with you in the practice of Law?

Ans. Thinks Mr Trent is not my partner in law, but Mr Crawford is, I am not the attorney for the defendants never having been retained by them or their agents, I have propounded the questions to the witnesses who have testified before myself, and have done the same at the request of John A Van Horne, who I suppose is the agent of some of the defendants and an old acquaintance and friend of my own, for which I charge him or his principals nothing.

Question by Same. Will your Knowledge or information of the price and mode of selling slaves in Kentucky enable you to say whether they generally bring a better price when sold among the farmers & planters in the neighborhood in the usual Course of trade in the Country, or when sold to negro buyers or traders - and if so what is the difference in price usually between the two modes of sale, and in favor of which mode?

Answer — The price of the slave depends very much upon his character and habits, those purchased by the southern dealer command a less price than those sold among the farmers because the class of servants sold for the south, are usualy not of as good a character as those purchased by the farmers for their own use, few farmers in Kentucky will sell a good servant to a southern dealer unless they are compelled, as far as I have known acquainted -

Question by Same, Does the fact to which you have last alluded viz the unwillingness of farmers in Kentucky to sell to Southern dealers, operate to reduce the price of Slaves sold for use in Kentucky, on account of the farmers preferring generally to sell at a lower price to remain in Kentucky, than a higher price to Southern dealers?

Answer — I believe it is common in Kentucky that no wheat able farmer will sell a servant unless he is refractory or in some way of bad character to a Southern dealer unless necessity compels him; & do not believe it reduces the price of the slave because the kind which the farmer will not sell to the Southern dealer is the same kind the Kentucky farmer wishes to purchase for his own use.

A. P. Hillard

After the foregoing depositions had been taken the defendants declined examining any other witness, and the plaintiff Francis Gilmore by his said attorney then desired to take the deposition James S Lee, a witness present, but the defendants objected thereto and demanded to have the depositions heretofore taken by them certified and ~~sent to them~~, and I did therefore refuse to take the deposition of said Lee as so requested by the plaintiff before certifying my ~~endorsing~~ the depositions already taken —

And I do further certify that the preceding depositions of John Brown,

Samuel J Nelson, Thomas M Trent and Ash-
bel P Ballard were reduced to writing by me
(the interrogatories of the plaintiff Gilmer being
written by the attorney of said plaintiff) and
that they were signed by the said Brower,
Nelson, Trent and Ballard respectively
as their signatures in their own hand
writing within appear at the end of the
depositions made by them respectively;
and that I am not of counsel or attorney
for either of the parties to the said suit
nor am I interested in the event thereof

And I do further certify that I ~~have~~
~~sealed~~ shall seal up the within depos-
itions and accompanying notice and
direct the same to John Vanderen Clerk
of the United States Circuit Court at
Detroit and shall deposit the same
so directed with my own hands
in the Post Office at this city.

Witness my hand and seal
hereto affixed at New Albany
aforesaid the 8th day of
November 1848

Wm L Smith Seal
Judge Sup. Court of Indiana

No 1900

Gilmer
&
Gorham (Sal

Deposition of
Jn.o Brain
S. G. Wilkes
P. M. Kent &
A. P. Willard. —

I Certify that on the
14.th Nov.r 1848 I rec.d
the within deposition
from the Post office
in Detroit and on the
same day it was opened
Court & broke open
& filed the same

Jn.o McWhirter
Clerk

Postage 30.c p.d by
Mr Gorham.

United States of America
Circuit and District of Illinois ss.

Be it remembered that on this twenty sixth day of September in the year eighteen hundred and forty eight at Chicago in the State and District of Illinois before me George W. Meeker a Commissioner of the Circuit Court of the United States within and for the State and District aforesaid appointed under the Laws of the united States to take affidavits and acknowledgments of bail, personally appeared Charles D. Gorham, who being duly sworn deposed that he was one of the Defendants in a suit depending in the Circuit Court of the United States for the District of Michigan, wherein Francis Gittner is Plaintiff and Charles T. Gorham, Oliver C. Comstock Jun, Lewis Hand & Planter Mess. William Parker, Charles Bugas & James Smith are Defendants, and that the testimony of David Walling ford is material and necessary in the defence of said cause, that the said witness resides at Marshall in the State of Michigan more than one hundred miles from Detroit where the Court at which said cause is expected to be tried is appointed by Law to be held, that the said witness is now in Chicago and is about to proceed to St Louis in the State of Missouri, that the said Plaintiff resides in Carroll County in the State of Kentucky more than a hundred miles from Chicago where the testimony of the said witness is desired to be taken, and that as he is informed & verily believes Abner Pratt Esq. & Pratt & Casey Esquires are the attorneys of the Plaintiff, and that they reside in Marshall aforesaid more than one hundred miles from Chicago aforesaid.

Whereupon I ordered that the witness David Wallingford should be examined before me de bene esse, at my Office in the City of Chicago, at 7 O'Clock in the evening of the twenty Eighth day of September A.D. 1848. at which time and place the said witness and the said Defendant Gorham appeared

and the said David Wallingford being by me carefully examined and cautioned, and sworn to testify the truth, the whole truth and nothing but the truth made the following answers to the interrogatories propounded.

Interrogatory 1. What is your name, age, occupation and place of residence, and are you acquainted with the parties to this suit.

Answer 1 My name is David Wallingford, I am about thirty years of age, I am a gentleman and my place of residence is Marshall in the State of Michigan. I do not know the Plaintiff, but am acquainted with all the Defendants.

Interrogatory 2. Were you in Marshall in the months of January eighteen hundred and forty seven, and subsequently, during the Winter and next Spring, and were you in the Office of Charles T. Gorham one of the Defendants when one Dimon the Deputy Sheriff of Calhoun County had a conversation with said Gorham upon the subject of the settlement of a judgment obtained by Adam Crosswhite against the said Dimon and others? if so, relate the conversation.

Answer 2. I was in Marshall in Michigan during the time specified in the question, and sometime in the Spring of eighteen hundred and forty seven I was in the Office of Charles T. Gorham, when Dimon the Deputy Sheriff came in, and after talking a short time about other matters, remarked that Crosswhite had returned

and saying that he had ten or fifteen Dollars in his possession, and if that amount would settle the judgment of Cossowhite against him and the Kentuckians, he would pay it. He addressed himself to Mr Gorham in words to that effect, and Mr Gorham replied that he had nothing to do with it, it was not a matter of his — and Dixon then left the room.

D. Wadingford

And I do hereby further certify that the above deposition was reduced to writing by me in the presence of the witness and was subscribed by him in my presence, and that I am not of Counsel or attorney for either of the parties or interested in the event of the cause.

Geo. W. Meeker
Commissioner of the Circuit Court of the United States of America, within and for the District of Illinois.

No. 1900

Geltmeir
&
Gorham Val

Deposition of David
Wallingford on behalf
of defendants.

I Certify that on the
2nd Oct. 1848. I rec'd. from
the P.M. Office in Detroit
the within deposition
& in open Court broke
open, on the 10 Oct
1848. Thos. Rand &
Jules Durand.

D. Wunder
Clerk

Pratt & Crary

To A. E. Wing U.S. Marshal Dr

for Marshal's fees

June 1. 1847 To fees on Action On the Case, in the case Gittner vs Charles S. Gorham & 12 others, to wit;

13 Services	$26.00
110 miles travel	5.50

18 Witnesses

18 Services	9.00
18 copies	4.50
110 miles travel	5.50

Penal Suits

Gittner	vs Gorham	Service & Mileage	7.50
do	vs Comstock	"	7.50
do	vs Hurd	"	7.50
do	vs Cook	"	7.50
do.	vs Easterly	"	7.50
do	vs Ingersol	"	7.50
do	vs Hobert	"	7.50
			$103.00
Cr. By Cash			22.00
			81.00

By amount to be paid by Pratt & Crary to Dixon & others for services as special Deputies 40.13

$40.87

Received of Frances Troutman Jeffs. agent forty & 87/100 Dollars as above

July 13. 1848

A. E. Wing U.S. Marshal

By Wm Grace Dep. Marshal

Pratt & Cary

as

A. E. Winey

$40.87 &

" $40.13 to be paid to special deputies

Circuit Court of the United States
for the District of Michigan
In the case of
Francis Gettner Compl.
vs
Charles T. Gorham, Orion C. Comstock Jr.
Asa B. Czk. Jarvis Hunt, John M. Easterly,
Geo. Ingersoll, William D. Rector,
Hiram Camp, Randall Hobart,
Charles Moss, William Parker
Charles Bigne & James Smith, Defts

Chancery Cause.

1847

June 1st	File declaration & Entry cause on Calendar	$0.38
	Security for Costs 33. Entry Rule to plead 13.	" 46
" July 1st	Filing & Entry ord extending time to plead 30 days	" 32
" " 29	Filing & Entry dem. of Gorham 20. do. Comstock 20.	" 40
" " "	Filing & Entering demurrer of 19 other Defts 20. Each.	2.00
" Aug 30	Filing Six appts & Entry a 20 Each	1.20
	Entry Defts. v. Pltff for not joining in dem.	" 32
" Oct. "	Filing & Entry amnd Narr 20. Rule to plead 13.	" 33
" Oct. 4.	File Demm of Gorham to amended Narr & Entry.	" 20
" " "	File & Entry demurr of 11 others a 20. Ea.	2.20
1848 Apl. 8	Entry ord. amendy demr. of Defts in Cal. and Rule	24
" " 25	Filing pleas of Defts Gorham &c. 12 in all a 20. Ea.	2.40
" June 16	Filing discontinuance as to Hobart & Entry.	" 20
" " "	do as to 4 other Defts. a 20 Ea	" 80
" " 28	Calling & swearing Jury 19. Calendar 19.	" 38
" " "	Swearing 18 witnesses for Pltff. a 6. Ea.	1.08
	Sworn Marshal to take Charge of Jury.	" 13
	Sitting & Entry thereof that they could not agree	" 20
" Sept 6	File & Entry agreement for Commission to issue	" 20
	Commission $2.50. & attending to same &c. $3.50. =	6.00
	Recvg Making & filing depositions on return	" 20
		$ 19.64

over

Circuit Court of U.S. for
7th Circuit & Dist of Mich.
Francis Siltner
vs
Chs. T. Gorham et als } Dist of Michigan ss

Abner Pratt being
sworn says that he is the acting atty
and Counsel for the Plff in this Cause;
that he has had from the Commencement
the Entire Charge of said Cause on
the part of said Plff - that his law
Partner M. E. Cary had done nothing
in it by way of drawing Pleadings
~~Examining~~ investigating Evidence
or Preparing Briefs or any thing of
the kind and has never Assumed
or Pretended to have anything to do
in the Prosecution of said Cause
And this deponent further says
that the deposition of Randall
Watrous on file taken on part of
Defts was taken since the trial
of this Cause commenced and
without the knowledge or Consent
of this deponent, and while deponent
was engaged in the trial of
this cause.
And deponent further says that
the deposition of said Watrous
was duly taken before the Present
term of this Court before
Judge Woodruff before whom
he was Examined & Cross examined
which deposition has been read

in Evidence

Abner Pratt

Sworn & subscribed
in open Court
Nov. 25. 1848
Jno Winder
Clerk

Circuit Court.

No. 1900.

Giltner
v
Gorham & al

Affᵗ. of A Pratt in
resisting the reading
of a deposition of R
Watrous on the trial —

Filᵈ. Novʳ. 25. 1848
Jno Winder
Clerk

In the Circuit Court of the United States
for the District of Michigan

Francis Giltner
vs
Chas T Gorman
Oliver C Comstock
Jarvis Hurd &
others defendants

Emmons & Jay of counsel for said three defendants move for a new trial & that the verdict be set aside in the above cause for the following reasons

First - Because the Court erred in refusing Henry N Clark to read from his minutes of testimony taken on the former trial to show how Nettleship had testified at that trial he having taken said notes at the time & knowing them to have been correct - but not being able to state from recollection testimony given at former trial

Second - Because the Court erred in its charge to the jury in saying that the agents of the plaintiff had a right in this State to break down the door of Crosswhite's house where resistance is offered & use all force required to seize him & his family -

Third - Because the jury was against the weight of evidence -

Fourth - Because it was in other respects irregular -

Emmons & Jay
of Counsel -

N. 1900.

Gilbner

vs

Gorham & al

Mo for New Trial

Filed Dec. 14th 1848

Jno Landon Clerk

By Geo G Bull Deputy

Circuit Court for the
U.S. Dist of Michigan

Francis Silliver
vs
William D Rector
impleaded with
Charles Gorham
And others

Action on the Case

It is hereby stipulated
By and between the
Attorneys of the Pltff in this Cause and
William D Rector one of the Defts in said
Cause, that said Cause is to be discontinued
as against the said defendant Rector only,
and as against him to be prosecuted
no further but without Costs to either, each
Party hereby agreeing not to tax or claim
Costs against the other. —
June 15th 1848.

Pratt & Crary
Atty's for Pltff

Wm D. Rector
One of the above defendants

1900

Circuit Court for the
U.S. Dist. of Michigan

Francis Silver
v
William A. Rector
impleaded with
Charles Borham
And others

Stipulation to
discontinue

Pratt & Crary
Atty's for Plff

Fd Jun 20. 1900
Jr. Winder
Clerk

Circuit Court for the
W. D. Dist. of Michigan

Francis Giltner
vs
George Ingersoll
impleaded with
Marcus P. Gorham
And Others

Action on the Case

It is Hereby Stipulated and agree By and Between the Attorneys of the Plaintiff in the above entitled Cause and George Ingersoll One of the Defendants in said Cause that said Cause is to be discontinued As against said defendant Ingersoll only and as against him to be Prosecuted No further but without Costs to either Each Party Hereby agreeing to pay their own Costs.—

Dated June 15th 1848.

Pratt & Geary
Attys for Plff.

George Ingersoll
one of the above defendants

Circuit Court for the
W. D. of Michigan

Francis Siltzer
vs
George Ingersoll
in Pleadings with
Charles Borham
and others

Francis Siltzer
vs
George Ingersoll

Stipulation to discontinue

Platt & Gray
Attys for Plff

Fd in open Court
June 20. 1848
D. C. Winder
Clerk

Circuit Court of the U.S
for the 4th Circuit and
District of Michigan

Francis Siltner
Vs
Randall Hobart
impleaded with
Charles P Sorhan
et al

Action on the Case

Pleade enter a
discontinuance
as against the Deft Randall Hobart
only in this Cause, & file a Nolle
Prosequi as to Hobart.

Pratt & Crary
Attys for Plff.

No. 1900

Discontinuance
as to R. Hobart

Filed & Entd June 10
1848 Jno Winder
clerk

Circuit Court of the U.S
for 7th Circuit & Dist. of Mich

Francis Giltner
vs
Charles T. Gorham
and others

It is hereby agreed
By and between
the Counsel of the respective Parties
to this suit that a Commission
may be issued by the Clerk & directed
to William D Windlow Esq atty at law,
Richard P Butler Esq Clerk of the Circuit
Court of Carroll County Kentucky, and
Lyman Martin Esq a Justice of the Peace
of the Same County to take the testimony
of Michael Giltner, David Giltner,
James J Lee, Francis Ford, George
Fearn, Samuel Fearn & Moses T Hoagland
witnesses on the part of the Plff in said
suit And that the Same may be returned
by Mail. Sept. 6th 1848.

Pratt & Geary
Atty's & Counsel for Plff

Wells Hoover
Atty's for Messrs. Bacon and Smith.

Van Dyke & Emmons
for defts. Of Counsel the interrogatories
to be sent on H.H. Clark Esq
H.K. Clarke Atty for Parker

It is further agreed that the Evidence when
returned taken under the above named Com-
ission may be used in Evidence in the
Penal Actions now Pending & which were
brought by the Plff against some of the Defts
as well as in the above cause

Pratt & Geary

1900

Circuit Court of U.S.
& Dist. of Michigan

Francis Giltner
vs
Charles P. Gorham
And others

Agreement to file
For commission &c

Pratt & Crary
Attys for Plff.

Filed September 6th 1848
Jno Winder Clerk
By Geo. G. Bull
Deputy

Circuit Court of the United States
for the District of Michigan -

Charles T. Gorham, impleaded with Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hunt, John M. Easterly, George Ingersoll, William D. Rector Herman Camp, Randall Hobart, Planter Mosf, William Parker, Charles Bergen and James Smith

ads.

Francis Gillies - - -

State & District of Michigan
County of Wayne - ss. Addison Mandell of Detroit, Wayne County in said State & District being duly sworn says that on the twenty ninth Day of July A.D. Eighteen hundred and forty seven he served a copy of the Demurrer filed in this cause on George C. Bell Esq the law agent, for this Court in the said City, of Pratt & Crary Esqrs the Attorneys for the Plaintiff in said cause; that said Demurrer were filed on the same day of previous to said service -

Addn Mandell

Subscribed & sworn to before me this
thirtieth Day of August A.D. 1847 -

John V. Watson
Notary Public
Wayne Co. Mich

Circuit Court of the United States
for the District of Michigan -

Charles T. Gorham, impleaded with Oliver C. Comstock Junior Asa B. Cook, Jarvis Hunt, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Mosf, William Parker, Charles Bergen and James Smith -

ads.

Francis Gillies -

State of Michigan
County of Wayne ss. George C. Bell of Detroit in said County, State & District being duly sworn says that he is the Law Agent in this Court for Pratt & Crary Esqrs the Attorneys for the Plaintiff in the above entitled Cause - that on the twenty ninth Day of July A.D. Eighteen hundred and forty seven he received as the Law Agent of said Pratt & Crary a copy of the Demurrers filed in said cause which he believes to be the same referred to in the foregoing affidavit of Addison Mandell, which copy deponent gave to John Norvell Esq of Counsel for said Plaintiff on the same day he received them -

Geo. C. Bell

Subscribed & sworn to before me
this thirtieth Day of August A.D. 1847

Addn Mandell
Notary Public
Wayne Co. Mich

Circuit Court of the United States
for the District of Michigan -

Charles T. Gorham, impleaded with Oliver C. Comstock Junior, Asa B. Cook, Davis Hunt, John M. Easterly, George Ingersoll, William D. Rector, Herman Kemp, Randall Hobart, Charles Moss, William Parker, Charles Bergen & James Smith -

vs.

Francis Gilbert

"

State & District of Michigan
County of Wayne - - - ss. Theodore Romeyn of Detroit in said County State and District being duly sworn says that he is the attorney for the defendant in the above entitled cause - that he has received no joinder to the demurrer filed in said cause, nor notice of any such joinder; nor has he received a copy of an amended declaration in said cause, nor any notice of any having been filed by the Plaintiff therein -

Theodore Romeyn

Subscribed & sworn to before me this thirtieth day of August A.D. 1847 -

Addn Mandell
Notary Public
Wayne Co. Mich

1900
Circuit Court of the U.S.
for the District of Michigan
Charles T. Gorham, Civ.
Plaintiff with Oliver C. Comstock Junior et al.
vs.
Francis Gilbert
Affts of filing demurrer & service of
for defendants
for more joinder -

T Romeyn
Atty for Defts

Filed August 30 - 1847
Jno Winder Clerk
By Geo S Mandell Dep Clerk

Circuit Court of the United States
for the District of Michigan –

John M. Casterly, impleaded with Charles T. Graham, Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hunt, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Hunter Hoff, William Parker, Charles Bergen and James Smith

vs

Francis Bilturer – –

State & District of Michigan
County of Wayne } ss. Addison Mandell of Detroit, Wayne County in said State & District being duly sworn says that on the twenty ninth day of July A.D. Eighteen hundred and forty seven he served a copy of the Demurrer filed in this cause on George G. Bull Esqr. the law agent for this Court in the said City, of Pratt & Crary Esqrs the attorneys for the Plaintiff in said cause; that said Demurrer were filed on the same day of and previous to said service.

Addn Mandell

Subscribed & sworn to before me this thirtieth day of August A.D. 1847 –
John D Watson
Notary Public
Wayne Co. Mich

Circuit Court of the United States
for the District of Michigan –

John M. Casterly, impleaded with Charles T. Graham, Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hunt, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Hunter Hoff, William Parker, Charles Bergen & James Smith.

vs.

Francis Bilturer

State & District of Michigan
County of Wayne } ss. George G. Bull of Detroit in said County, State & District being duly sworn says that he is the law agent in this Court for Pratt & Crary Esqrs the attorneys for the Plaintiff in the above entitled cause – that on the twenty ninth day of July A.D. Eighteen hundred and forty seven he received as the law agent of said Pratt & Crary a copy of the Demurrer filed in said cause which he believes to be the same referred to in the foregoing affidavit of Addison Mandell which copy deponent gave to John Mandell Esq of Counsel for said Plaintiff on the same day he received them –

Geo G Bull

Subscribed & sworn to before me this thirtieth day of August A.D. 1847
Addn Mandell
Notary Public
Wayne Co. Mich

Circuit Court of the United States —
for the District of Michigan —

John M. Easterly, impleaded with Charles T. Gorham, Oliver C. Comstock, Junior, Asa B. Cook, Jarvis Hurd, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen & James Smith
ads.
Francis Giltner —

State & District of Michigan
County of Wayne — ss — Theodore Romeyn of Detroit in said County, State & District being duly sworn says that he is the attorney for the defendant in the above entitled cause — that he has received no joinder to the demurrers filed in said cause, nor notice of any such joinder; nor has he received a copy of an amended declaration in said cause, nor any notice of any having been filed by the Plaintiff therein —

Theodore Romeyn

Subscribed & sworn to before me this thirtieth day of August A.D. 1847 —

Addn Mandell
Notary Public
Wayne Co. Mich

2900
Circuit Court of the U.S.
for the District of Michigan

John M. Easterly, impleaded
with Charles T. Gorham
& al. ads.
Francis Giltner

Affts of filing demurrers
& service &c &c for default
for non joinder

T Romeyn
Atty for Deft

Filed August 30th 1847
Jno Winder Clerk
By Geo C Bull Deputy

Circuit Court of the United States
for the District of Michigan —

Asa B. Cook, impleaded with Charles T. Gorham, Oliver
C. Comstock Junior, Sam's Hunt, John M. Easterly, George
Ingersoll, William D. Rector, Herman Camp, Randall Hobart
Hunter Moss, William Parker, Charles Beyen & James Smith
ads.
Francis Gillmer —

State & District of Michigan
County of Wayne — ss. Addison Mandell of Detroit, Wayne County
in said State & District being duly sworn says that on the twenty ninth Day of
July A.D. Eighteen hundred and forty seven he served a copy of the demurrer
filed in this cause on George G. Bull Esq the law agent for this court
in the said City, of Platt & Gray Esqrs the Attorneys for the Plaintiff in
said cause: that said demurrer were filed on the same Day of and previous
to said service —

Addn Mandell

Subscribed & sworn to before me this
thirtieth Day of August A.D. 1847
John N. Watson
Notary Public
Wayne Co. Mich

Circuit Court of the United States
for the District of Michigan —

Asa B. Cook, impleaded with Charles T. Gorham, Oliver C.
Comstock Junior, Sam's Hunt John M. Easterly, George Ingersoll
William D. Rector, Herman Camp, Randall Hobart, Hunter Moss,
William Parker, Charles Beyen and James Smith —
ads.
Francis Gillmer —

State & District of Michigan
County of Wayne ss. George G. Bull of Detroit in said County, State
and District being duly sworn says that he
is the law agent in this court for Platt & Gray Esqrs the Attorneys for the
Plaintiff in the above entitled cause — that on the twenty ninth Day of July A.
D. Eighteen hundred and forty seven he received as the law agent aforesaid
Platt & Gray a copy of the demurrer filed in said cause which he
believes to be the same referred to in the foregoing affidavit of
Addison Mandell, which copy deponent gave to John Norvell
Esq of Counsel for said Plaintiff on the same Day he received
them —

Geo. G. Bull

Subscribed & sworn to before me
this thirtieth Day of August A.D. 1847
Addn Mandell
Notary Public
Wayne Co. Mich

Circuit Court of the United States
for the District of Michigan

Ada B. Cook, impleaded with Charles T. Gorham, Oliver C. Comstock, Junior, Davis Hunt, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen and James Smith

vs.

Francis Gillies

State of Michigan
County of Wayne ss.

Theodore Romeyn of Detroit in said County State & District being duly sworn says that he is the attorney for the defendant in the above entitled cause that he has received no joinder to the demurrer filed in said cause, nor notice of any such joinder; nor has he received a copy of an amended declaration in said cause, nor any notice of any having been filed by the plaintiff therein.

Theodore Romeyn

Subscribed & sworn to before me this thirtieth day of August A.D. 1847

A.D. Mandell
Notary Public
Wayne Co. Mich

1980
Circuit Court of the U.S.
for the District of Michigan

Ada B. Cook, impleaded with Charles T. Gorham vs. Francis Gillies

Affts of filing demurrer & service &c. for defendt for non joinder.

T. Romeyn
Atty for defdt

Filed August 30. 1847
Franklin Chase Clk
By Geo. W. Bullen Deputy

Circuit Court of the United States
for the District of Michigan —

George Ingersoll, impleaded with Charles T. Botham, Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hunt, John M. Easterly, William D. Rector, Herman Camp, Randall Hobart, Planter Mofs, William Parker, Charles Bergen and James Smith —

ad.

Francis Giltner —

State of Michigan
County of Wayne — ss. Addison Mandell of Detroit, Wayne County in said State & District being duly sworn says that on the twenty ninth day of July A.D. Eighteen hundred and forty seven he served a copy of the Demurrers filed in this cause on George G. Bull Esq. the law agent, for this Court in the said city, of Pratt & Crary Esqrs the Attorneys for the Plaintiff in said cause; that said Demurrers were filed on the same day of & previous to said service —

Subscribed & sworn to before me this
thirtieth day of August A.D. 1847 —
John V. Watts
Notary Public
Wayne Co. Mich

Addn Mandell

Circuit Court of the United States
for the District of Michigan —

George Ingersoll, impleaded with Charles T. Botham, Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hunt, John M. Easterly, William D. Rector, Herman Camp, Randall Hobart, Planter Mofs, William Parker, Charles Bergen and James Smith —

ad

Francis Giltner —

State of Michigan
County of Wayne ss. George G. Bull of Detroit in said County State & District being duly sworn says that he is the law agent in this Court for Pratt & Crary Esqrs. the Attorneys for the Plaintiff in the above entitled cause — that on the twenty ninth day of July A.D. Eighteen hundred and forty seven he received as the law agent of said Pratt & Crary, a copy of the Demurrers filed in said cause which he believes to be the same referred to in the foregoing affidavit of Addison Mandell, which copy deponent gave to John Howell Esq of Counsel for said Plaintiff on the same day he received them —

Subscribed & sworn to before me this
thirtieth day of August A.D. 1847
Addn Mandell
Notary Public
Wayne Co. Mich

Geo. G. Bull

Circuit Court of the United States
for the District of Michigan —

George Ingersoll, impleaded with Charles T. Gorham, Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hunt, John M. Easterly, William D. Rector, Herman Camp, Randall Hobart, Charles Mc[illegible], William Parker, Charles Beyer & James Smith.

ads.

Francis Gilbert —

11

State & District of Michigan }
County of Wayne } ss Theodore Romeyn of Detroit in said County, State & District being duly sworn says, that he is the Attorney for the defendant in the above entitled cause — that he has received no ~~notice~~ joinder to the demurrer filed in said cause, nor notice of any such joinder; nor has he received a copy of an amended declaration in said cause, nor any notice of any having been filed by the Plaintiff therein —

Theodore Romeyn

Subscribed & sworn to before me this
Eighth day of August A.D. 1849

Addison Mandell
Notary Public
Wayne Co. Mich

Circuit Court of the U.S.
for the District of Michigan
1900

George Ingersoll & impleaded
with Charles T. Gorham
& ads.
Francis Gilbert
Affts of filing demurrer
& service &c & defendt
to non joinder

T. Romeyn
Atty for Defft

Filed August 30: 1849
Theo. A. Wisner Clerk
By Geo. C. Bull Deputy

Circuit Court of the United States
for the District of Michigan -

Oliver C. Comstock Junior, impleaded with Charles T. Graham
Asa B. Cook, Jarvis Hunt, John M. Easterly, George Ingersoll
William D. Rector, Berman Camp, Randall Hobart, Planter
Mosp, William Parker, Charles Bergen and James Smith
ads.
Francis Giltner

Affidavit

State of District of Michigan
County of Wayne ss. Addison Mandell of Detroit, Wayne County in said State & District being duly sworn says that on the twenty ninth day of July A.D. Eighteen hundred and forty seven, he served a copy of the Demurrer filed in this cause on George G. Bull Esq the law agent, for this Court in the said City, of Pratt & Crary Esqrs the Attorneys for the Plaintiff in said cause; that said Demurrer were filed on the same day of and previous to said service -

Addn Mandell

Subscribed & sworn to before me this thirtieth day of August A.D. 1847 -
John McMattison
Notary Public
Wayne Co. Mich

Circuit Court of the United States
for the District of Michigan -

Oliver C. Comstock Junior, impleaded with Charles T. Graham
Asa B. Cook, Jarvis Hunt, John M. Easterly, Geo. Ingersoll,
William D. Rector, Berman Camp, Randall Hobart, Planter Mosp,
William Parker, Charles Bergen and James Smith
ads,
Francis Giltner -

Affidavit

State of District of Michigan
County of Wayne ss - George G. Bull of Detroit in said County State & District being duly sworn says that he is the law agent in this Court for Pratt & Crary Esqrs the Attorneys for the Plaintiff in the above entitled cause - that on the twenty ninth day of July A.D. Eighteen hundred and forty seven he received as the law agent of said Pratt & Crary a copy of the Demurrer filed in said cause which he believes to be the same referred to in the foregoing affidavit of Addison Mandell, which copy Deponent gave to John Norvell Esq of Counsel for said Plaintiff on the same day he received them -

Geo G Bull

Subscribed & sworn to before me this thirtieth day of August A.D. 1847 -
Addn Mandell
Notary Public
Wayne Co. Mich

Circuit Court of the United States
for the District of Michigan -

Oliver C. Comstock Junior, ~~Charles T. Gorham~~ impleaded with Charles T. Gorham, Asa B. Cook, Sam's Hunt, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Babcock, Charles Wolf, William Parker, Charles Bergen & James Smith

vs.

Francis Giltner

State of Michigan
County of Wayne - ss - Theodore Romeyn of Detroit in said County, State and District being duly sworn says that he is the attorney for the defendants in the above entitled cause - that he has received no joinder to the demurrer filed in said cause, nor notice of any such joinder; nor has he received a copy of an amended declaration in said cause, nor any notice of any having been filed by the Plaintiff therein -

Theodore Romeyn

Subscribed & sworn to before me this
thirtieth day of August A.D. 1847 -

A D Jr Mandell
Notary Public
Wayne Co. Mich

1900
Circuit Court of the U.S.
for the District of Michigan

Oliver C. Comstock Jr
and impleaded with
Charles T. Gorham and
vs.
Francis Giltner

Affts of filing Demurrer
& &c for defendants for
non joinder

T Romeyn
atty for defts

Filed August 30 1847
Scott Wm. Clerk
By Scott Deputy

Circuit Court of the United States
for the District of Michigan —

Jarvis Hurd impleaded with Charles T. Gorham, Oliver C. Comstock Junior, Asa B. Cook, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen & James Smith

ads.

Francis Gillies

"

State & District of Michigan
County of Wayne — ss. Addison Mandell of Detroit, Wayne County in said State & District being duly sworn says that on the twenty ninth day of July A.D. Eighteen hundred and forty seven he served a copy of the demurrer filed in this cause on George G. Bull Esq the law agent for this Court in the said City, of Pratt & Crary Esqrs the Attorneys for the Plaintiff in said cause; that said demurrer was filed on the same day of and previous to said service.

Addn Mandell

Subscribed & sworn to before me this thirtieth day of August A.D. 1847 —
John Norvell
Notary Public
Wayne Co. Mich

Circuit Court of the United States
for the District of Michigan —

Jarvis Hurd, impleaded with Charles T. Gorham, Oliver C. Comstock Junior, Asa B. Cook, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen & James Smith —

ads.

Francis Gillies

"

State & District of Michigan
County of Wayne — ss. George G. Bull of Detroit in said County State, and District being duly sworn says that he is the law agent in this Court for Pratt and Crary Esqrs the Attorneys for the Plaintiff in the above entitled cause — that on the twenty ninth day of July A.D. Eighteen hundred and forty seven he received as the law agent of said Pratt & Crary a copy of the demurrer filed in said cause which he believes to be the same referred to in the foregoing affidavit of Addison Mandell, which copy deponent gave to John Norvell Esq. of Counsel for said Plaintiff on the same day ~~he~~ he received them —

Geo. G. Bull

Subscribed & sworn to before me this thirtieth day of August A.D. 1847 —
Addn Mandell
Notary Public
Wayne Co. Mich

Circuit Court of the United States
for the District of Michigan –

Jarvis Hurd, impleaded with Charles T. Gorham, Oliver C. Comstock Junior, Asa B. Cook, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Hunter Moss, William Parker, Charles Beyen and James Smith –
ads
Francis Giltner

State & District of Michigan
County of Wayne – ss

Theodore Romeyn of Detroit in said County, State & District being duly sworn says that he is the attorney for the defendant in the above entitled cause – that he has received no joinder to the demurrers filed in said cause, nor notice of any such joinder; nor has he received a copy of an amended declaration in said cause, nor any notice of any having been filed by the Plaintiff therein –

Theodore Romeyn

Subscribed & sworn before me this
thirtieth day of August A.D. 1847

Addn Mandell
Notary Public
Wayne Co. Mich

1900
Circuit Court of the U.S.
for the District of Michigan

Jarvis Hurd, impleaded
with Charles T. Gorham
&al –
ads
Francis Giltner

Affts of filing demurrer
& service &c & for default
for non joinder –

T Romeyn
Atty for Deft

Filed August 30' 1847
Jno Winder Clerk
By Geo Bull deputy

The Circuit Court of the United States for
the Seventh Circuit & District of Michigan

William Parker, impleaded with
Charles T. Graham, Alvin P. Stockton, Asa B. Cook Davis Hand
John M. Easterly, George Hayward
William D. Rector, Randall Hobart
Herman Camp, Hayden Mapes
Charles Bogue & James Smith
and
Francis Pitcher

And the said defendant William Parker, impleaded as aforesaid, by Henry B. Clarke his Attorney Comes & defends the wrong & injury when &c and says as to the Sixth and Seventh Counts of said declaration says that he is not guilty of the said supposed grievances laid to his charge in said Counts, or any, or either of them, or any part thereof in manner & form as the said plaintiff hath above thereof in said Counts complained against him, & of this he puts himself upon the Country &c—

And as to the First Count of said declaration the said defendant, William Parker, impleaded as aforesaid by his said Attorney Comes & defends the wrong & injury when &c & says that the said first Count of the said declaration & the matters therein contained, in manner & form as the same are above stated & set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, & that he the said defendant is not bound by law to answer the same— And this he is ready to verify; wherefore by reason of the insufficiency

of the said first count of said declaration in this behalf the said defendant impleaded as aforesaid may pledgment & that the said plaintiff may be barred from having & maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the statute in such case made & provided comes & shows to the Court here the following causes of Demurrer to the first Count of said declaration, that is to say:

First There is no averment in said Count in legal & traversable form that on the fifth day of August A.D. 1843 the time of the alleged escape the said Adam Leoffwhite Sarah Leoffwhite, John Anthony Leoffwhite Benjamin Franklin Leoffwhite, Cyrus Jackson Leoffwhite & Lucretia Leoffwhite were held & labored as slaves by the said plaintiff, as were his slaves, & that he owned & had them in his custody and control.

Second, There is no averment in said Count in legal & traversable form that on the twenty seventh day of January A.D. 1844 the plaintiff had any right to the labour & services of said Adam, Sarah, John Anthony Benjamin Franklin, Cyrus Jackson, & Lucretia & that they were then held & made to labour.

Third There is no averment in said Count in legal & traversable form that said persons above named escaped from the State of Kentucky.

Fourth It does not appear from said Count where said persons escaped

Fifth, There is manifest uncertainty in said Count in stating the time when the persons above named escaped into the village of Marshall.

Sixth, It is not averred in said Count with sufficient certainty & in traversable form when the said persons escaped into Marshall.

Seventh, There is no averment in said Count is legal & traversable form with Certainty of time & place of notice to the defendants that the said premises were by their procurement.

Eighth, It does not appear from said first Count & is not therein averred, or shown with legal Certainty in what manner & by what agencies & means the defendants procured said Recovery — The allegation is general that there was a recovery, without any specification of the particulars or means — & is vague untechnical & not admitting of a traverse & denial & not sufficient to inform the defendants of the Cause of action & grounds of Complaint against them.

Ninth, It does not appear from said first Count & is not therein averred & shown, with legal Certainty in what manner, & by what agencies & means, the defendants aided & assisted the said persons in making their escape.

Tenth, There is no Specification in said first Count of any Statute of the United States & so intelligible reference to any particular Statute for the violation of which, & under which, this action is brought.

And for that said first Count of said declaration is in other respects uncertain, informal & insufficient &c —

And as to the Second Count of said declaration the said defendant, William Parker, impleaded as aforesaid by his attorneys aforesaid comes & defends the wrong & injury when &c and says that the said second Count of the said declaration and the matters therein contained in manner & form as the same are above stated & set forth are not sufficient in law for the said plaintiff to have & maintain

tain his aforesaid action thereof against the said de-
fendant & that he the said defendant is not bound
by law to answer the same - And this he is ready to
verify: wherefore, by reason of the insufficiency of
the said second Count of the said declaration in this
behalf, the said defendant impleaded as aforesaid
prays judgment & that the said plaintiff may be barred
from having or maintaining his aforesaid action there-
of against him &c.

And the said defendant impleaded as aforesaid
according to the form of the Statute in such case
made & provided comes & shows to the Court here the
following causes of Demurrer to the second Count of
said declaration that is to say:

First, There is no averment in said Count in legal
& traversable form that on the Sixth Day of August
A.D. 1843 the time of the alleged escape the said
Adam Lewis white, Sarah Lewis white, John Anthony
Lewis white, Benjamin Franklin Lewis white, Cyrus
Jackson Lewis white & Lucretia Lewis white were
held & bound as a slave by the said plaintiff;
or were his slaves, or that he owned & had them
in his custody & control.

Second, There is no averment in said Count in legal
& traversable form that on the twenty sixth day of
January A.D. 1844 the plaintiff had any right to the
labour & service of said Adam, Sarah, John Anthony
Benjamin Franklin, Cyrus Jackson & Lucretia, or that
they were then held & sworn as labourers.

Third There is no averment in said Count in le-
gal & traversable form that said persons above na-
med escaped from the State of Kentucky.

Fourth, It does not appear from said Count whether
said parties escaped

Fifth, There is manifest repugnancy in said

Court in stating the time when the persons above named escaped into the village of Greenhall.

Sixth, It is not averred in said Court with proper certainty & is unreasonable from when the said persons escaped into Greenhall.

Seventh, There is no averment in said Court in legal & reasonable form with certainty of time & place of notice to the defendants that the said persons were fugitives from labour.

Eighth, It does not appear from said second Count & is not therein averred, or shown with legal certainty in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general that there was a rescue, without any specification of the particulars or means, and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth, It does not appear from said second Count & is not therein averred or shown with legal certainty in what manner, or by what agencies or means the defendant prevented the agents of the plaintiff from retaking the said persons & the custody of the plaintiff's.

Tenth, There is no specification in said second Count of any statute of the United States, & no reference to any particular statute for the violation of which a suit will this action is brought &c.

And for that said second Count of said declaration is in other respects uncertain informal & insufficient &c.

And as to the Third Count of said declaration

the said defendant William Parker, impleaded as aforesaid by his said attorney comes & defends the wrong & injury when &c and says that the said third count of said declaration and the matters therein contained in manner & form as the same are therein stated & set forth are not sufficient in law for the said plaintiff to have & maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same; And this he is ready to verify; wherefore by reason of the insufficiency of said third Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided, states & shows to the Court here, the following causes of Demurrer to the third Count of the said declaration, that is to say;

First There is no averment in said Count in legal & traversable form that on the fifth day of August A.D. 1843 the time of the alleged escape the said Adam Longworth, Sarah Longworth, John Anthony Longworth, Benjamin Franklin Longworth, Cyrus Jackson Longworth & Lucretia Longworth were held to labour or service by the said plaintiff, or were his slaves - or that he owned & had them in his custody & control.

Second, There is no averment in said Count in legal & traversable form that on the first Day of December A.D. 1843 the plaintiff had any right to the labour & service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson & Lucretia, or that they were then held to service & labour.

Third, There is no averment in said Count in legal & traversable form that said persons above named escaped from the State of Kentucky.

Fourth, It does not appear from said Count where said persons escaped, nor to what State they escaped.

Fifth, There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Marshall.

Sixth, It is not averred in said Count with proper certainty, & in the manner & form when the said persons escaped into Marshall.

Seventh, There is no averment in said Count in legal & traversable form, with certainty of time & place of notice to the defendants that the said persons were fugitives from labour.

Eighth: It does not appear from said third Count & is not therein averred, or shown, with legal certainty in what manner, or by what agencies or means the defendants hindered and prevented the agents of the plaintiff from reclaiming & urging said persons - The allegation is general, that there was a hindering & preventing, without any specification of the particulars or means, and is vague, untechnical and not admitting of a traversal & not sufficient to inform the defendants of the cause of action or ground of Complaint against them.

Ninth, There is no averment in legal & traversable form that on the Twenty Seventh day of January A.D. 1849 the said persons were fugitives from labour, or that they have continued such from the time of their alleged escape - nor that on that day they were in Marshall at all.

Tenth, There is no specification in said third Count of any statute of the United States, and no

intelligible reference to any certain statute for the violation of which, or under which this action is brought.

And for that said third Count of said declaration is in other respects uncertain informal & insufficient &c—

And as to the Fourth Count of said declaration the said defendant, William Parker impleaded as aforesaid, by his said attorney comes and defends the wrong & injury when &c and say, that the said fourth Count of the said declaration, and the matters therein contained, in manner & form as the same are above stated & set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant & that he the said defendant is not bound by law to answer the same:— And this he is ready to verify; wherefore by reason of the insufficiency of the said fourth Count of said declaration in this behalf, the said defendant impleaded as aforesaid prays judgment & that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the statute in such case made & provided states & shows to the Court here the following causes of demurrer to the fourth Count of said declaration, that is to say:

First, There is no averment in said Count in legal & reasonable form that on the fifth day of August A.D. 1843 at the time of the alleged escape, the said Adam Gopsill, Sarah Gopsill, John Hutchings Gopsill, Benjamin Franklin Gopsill, Cyrus Hickson Gopsill and Lucretia Gopsill were held & retained in service by the said plaintiff, as in his declaration—

Second, There is no averment in said Count in legal & reasonable form that on the tenth day of December A.D. 1843 the said plaintiff had any right to the labour & services of said Adam, Sarah, John Hutchings, Benjamin Franklin, Cyrus

Jackson & Lucretia, or that they were then held to service or labour nor is there such averment in regard to the twenty seventh day of January A.D. 1847—

Third, There is no averment in said Count in legal & traversable form that said persons above named escaped from the State of Kentucky.

Fourth, It does not appear from said Count whence said persons escaped, nor ~~what~~ place they escaped.

Fifth, There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Marshall.

Sixth, It is not averred in said Count with proper certainty & in traversable form that the said persons were fugitives from labour on the twenty seventh day of January A.D. 1847.—

Seventh, there is no averment in said Count in legal & traversable form with certainty of time & place of notice to the defendants that the said persons were fugitives from labour.

Eighth, It does not appear from said fourth Count & is not therein averred, or shown with legal certainty in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering & seizing said persons— The allegation is general that the defendants interfered obstructed & hindered without any specification of the particulars or means — and is vague, untechnical & not admitting of a traverse or denial & not sufficient to inform the defendants of the Cause of action or ground of complaint against them.

Ninth, there is no specification in said fourth Count of any statute of the United States, & no intelligible reference to any particular statute for the violation of which, or under which this action is brought—

And for that said fourth Count of said declaration

& in other respects maintains, insufficient & in law &c.

And as to the Fifth Count of said declaration the said defendant William Parker, impleaded as aforesaid by his said Attorneys, comes & defends the wrong & injury when &c and says that the said fifth Count of the said declaration & the matters therein contained, in manner & form as the same are therein stated & set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant & that he the said defendant is not bound by law to answer the same:- And this he is ready & willing; wherefore, by reason of the insufficiency of said fifth Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment & that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.-

And the said defendant impleaded as aforesaid, according to the form of the statute in such case made & provided doth & shows to the Court here the following causes & reasons to the Court here the following causes & reasons in the fifth Count of said declaration, that is to say:

First, There is no averment in said Count in legal & traversable form that, on the fifth day of August A.D. 1843 the time of the alleged escape the said Adam Copewhite Sarah Copewhite, John Anthony Copewhite, Benjamin Franklin Copewhite, Cyrus Jackson Copewhite, & Lucretia Copewhite were held to labour or service by the said plaintiff, as were his slaves.-

Second, There is no averment in said Count in legal and traversable form that on the fifteenth day of December A.D. 1843 the plaintiff had any right to the labour & services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, & that they were then

hundred & seven on the twenty seven th Day of January A.D. 1847—

Third, There is no averment in proper & reasonable form that on the twenty seventh day of January A.D. 1847, the said persons were negroes born slaves—

Fourth, There is no averment in said Count in legal & reasonable form with certainty of time & place as to the defendants that the said persons were negroes born slaves.

Fifth, It does not appear from said fifth Count & is not therein averred & shown with legal certainty, in what manner, & by what agencies & means, the defendants obstructed the agents of the plaintiff in taking said persons. The allegation is general that they obstructed them, without any specification of the particulars & means - and is vague, unprecise & not admitting of a traverse & denial - and not sufficient & informs the defendants of the cause of action & grounds of complaint against them.

Sixth, There is no specification in said fifth Count of any statute of the United States, and no intelligible reference to any particular statute for the violation of which, & under which this action is brought.

And for that said fifth Count of said declaration is in other respects, uncertain, informal and insufficient, &c.—

Henry D. Clarke Atty & of Counsel
for William Parker, Defft.

1900

Circuit Court of the U. S. for the 7th Circuit & Dist. of Illin.

William Parker impd. with Charles T. Graham Et al

ads

Francis Gitner

Plea & Demurrer —

To file —

Henry K. Clarke Atty & of Counsel for Deft W. Parker —

Filed August 3d 1847
Jno Wanden Clk
By Geo G. Bull
Deputy

The Circuit Court of the United States for
the Seventh Circuit & District of Michigan

William D. Rector impleaded with
Charles T. Gorham, Alvin S. Comstock &
Asa B. Crook, Darius Reed & John H.
Eastaby, George Seymour Randall
Dobart, Norman Camp, Hunter Hoyt
William Parker, Charles Burgess &
James Smith
and
Francis Giltner

And the said Defendant William D. Rector impleaded as aforesaid by Avery K. Blake his Attorney comes & defends the wrong & injury when &c and as to the Sixth and Seventh Counts of said declaration says that he is not guilty of the said supposed grievances and this he prays may be inquired in like manner & form as the said plaintiff hath above thereof in said Counts complained against him & of this he puts himself upon the Country &c.

And as to the first Count of said declaration the said defendant William D. Rector, impleaded as aforesaid by his said attorney comes & defends the wrong & injury when &c, and says that the said first Count of the said declaration & the matters therein contained, in manner & form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant & that he the said defendant is not by law bound to answer the same - And this he is ready & willing; wherefore by reason of the insufficiency of the said first Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment & that the said

plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant unfurnished as aforesaid according to the form of the statute in such case made & provided states & shows to the Court here the following causes of Demurrer to the said Count of said declaration, that is to say:

First, That is no averment in said Count is legal & traversable for as that on the fifth day of August A.D. 1843, the time of the alleged escape, the said Adam Crogwhite, Sarah Crogwhite, John Anthony Crogwhite, Benjamin Franklin Crogwhite, Cynthia Jackson Crogwhite and Lucretia Crogwhite were held & bound to service by the said plaintiff, & were his slaves & that he owned & had them in his custody & control.

Second, That is no averment in said Count is legal & traversable for as that on the twenty seventh day of January A.D. 1844 the plaintiff had any right to the labour & service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cynthia Jackson & Lucretia, or that they were then held to service or labour.

Third, That is no averment in said Count is legal & traversable for as that said persons above named escaped from the State of Kentucky.—

Fourth, It does not appear from said Count whence said persons escaped.—

Fifth, That is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Cleveland.

Sixth, It is not averred in said Count with proper certainty & is traversable for as that the said persons escaped into Cleveland.—

Seventh, That is no averment in said Count is legal & traversable for as with certainty of time & place of notice to the defendant that the said persons

were fugitives from labour.

Eighth, It does not appear from said first Count & is not therein averred & shown with legal certainty in what manner & by what agencies & means the defendants assisted said persons. The allegation is general that there was assistance, without any specification of the particulars & means; & is vague, untechnical & not admitting of a traverse or denial & not sufficient to inform the defendants of the cause of action & ground of Complaint against them.

Ninth, It does not appear from said first Count & is not therein averred & shown with legal certainty in what manner, & by what agencies or means, the defendants aided & assisted the said persons in making their escape.

Tenth, There is no specification in said first Count of any statute of the United States & no intelligible reference to any particular statute for the violation of which, or under which this action is brought.

And for that said first Count of said declaration is in other respects uncertain, informal & insufficient, &c.-

And as to the Second Count of said declaration the said defendant, William D. Rector, impleaded aforesaid by his said attorneys Comes & defends the wrong & injury when &c and says that the said second Count of the said declaration and the matters therein contained in manner & form as the same are therein stated & set forth are not sufficient in law for the plaintiff to have or maintain his aforesaid action thereof against the said defendant, & that he the said defendant is not bound by law to answer the same-and this he is ready to verify; wherefore,

by reason of the insufficiency of the said second Count of said declaration in this behalf, the said defendant imprisoned as aforesaid prays judgment and that the said plaintiff may be barred from having & maintaining his aforesaid action thereof against him &c.

And the said defendant imprisoned as aforesaid according to the form of the statute in such case made and provided states & shows to the Court here the following causes of Demurrer to the said second Count of said declaration, that is to say;

First, There is no averment in said Count which is legal & traversable from that on the Sixth day of August A.D. 1843 the time of the alleged escape, the said Adam Leopowite, Sarah Leopowite, John Anthony Leopowite, Bryam in Franklin Leopowite, Cyrus Jackson Leopowite and Lucretia Leopowite were held to labour & service by the said plaintiff, or were his slaves, or that he owned & had them in his custody & controul.

Second There is no averment in said Count that is legal & traversable from that on the Sixth day of January A.D. 1844 the plaintiff had any right to the labour & services of the said Adam, Sarah, John Anthony, Bryam in Franklin, Cyrus Jackson & Lucretia or that they were then held to service or labour.

Third, There is no averment in said Count is legal & traversable from that said persons above named escaped from the State of Kentucky.

Fourth, It does not appear from said Count where said persons escaped.

Fifth, There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Cleveland.

Sixth, It is not averred in said Count with pro-

for certainty & is traversable form when the said persons escaped into Marshall. —

Seventh, There is no averment in said Count in legal traversable form with certainty of time & place of notice to the defendants that the said persons were so taken from custody.

Eighth, It does not appear from said second Count and is not therein averred, & shown with legal certainty in what manner, & by what agencies or means, the defendants rescued said persons — The allegation is general that there was a rescue, without any specification of the particulars & means — and is vague, untechnical and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action & ground of complaint against them.

Ninth, It does not appear from said second Count and is not therein averred & shown with legal certainty in what manner & by what agencies & means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Tenth, There is no specification in said second Count of any statute of the United States, and no intelligible reference to any particular statute for the violation of which, & under which this action is brought

And for that said second Count of said declaration is in other respects uncertain, informal & insufficient &c —

And as to the third Count of said declaration the said defendant, William D. Ruth, impleaded as aforesaid by his said attorney comes & defends the wrong & injury when &c, and says that the said third Count of the said declaration and the matters therein contained, in manner & form as the same are above stated & set forth are

not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendants and that he the said defendant is not bound by law to answer the same; and this he is ready to verify. Wherefore by reason of the insufficiency of said third Count of said declaration in this behalf the said defendant is entitled to his aforesaid prayer judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided, doth show to the Court here, the following causes of Demurrer to the third Count of said declaration, that is to say:

First. There is no account in said Count in law allowable from that on the fifth day of August A.D. 1843, the time of the alleged escape, the said Adam Hopwhite, Sarah Hopwhite, John Anthony Hopwhite, Benjamin Franklin Hopwhite, Lyons Jackson Hopwhite and Lucretia Hopwhite were held & labored as slaves by the said plaintiff, as were his slaves, or that he owned them or either of them in his Capacity & Command.

Second. There is no account in said Count in legal & allowable from that on the first day of December A.D. 1843 the plaintiff had any right to the labour and service of the said Adam, Sarah, John Anthony Benjamin Franklin, Lyons Jackson, & Lucretia, or that they were then held to service or labour.

Third. There is no account in said Count in legal and allowable from that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said Count where said persons escaped, nor to what place they escaped.

Fifth. There is no sufficient specific averment in said Count in stating the time when the persons above

named escaped into the village of Clearchall.

Sixth. It is not averred in said Count with proper certainty and in traversable form, when the said persons escaped into Clearchall.

Seventh. There is no averment in said Count in legal & traversable form with certainty of time & place of notice to the defendants that the said persons were fugitives from labour.

Eighth. It does not appear from said third Count and is not therein averred or shown with legal certainty in what manner & by what agencies, & means the defendants hindered & prevented the agent of the plaintiff from reclaiming & urging said persons — The allegation is general that there was a hindering & preventing without any specification of the particulars & means, and is vague, untechnical, and not setting forth a traverse a denial and not sufficiently inform the defendants of the cause of action or ground of complaint against them.

Ninth. There is no averment in legal & traversable form that on the twenty seventh day of January A.D. 1847. the said persons were fugitives from labour & that they have continued such from the time of their alleged escape — nor that on that day they were in Clearchall at all.

Tenth. There is no specification in said third Count of any Statute of the United States, and no intelligible reference to any particular Statute for the violation of which, & under which this action is brought.

And for that said third Count of said declaration is in other respects uncertain, informal and insufficient, &c.

And as to the Fourth Count of said declaration the said defendant, William D. Ruter, impleaded as

aforesaid by his said attorney comes & defends the wrong
& injury when &c and says that the said fourth
Count of the said declaration and the matters therein
contained in manner & form as the same are above
stated & set forth, are not sufficient in law for the
said plaintiff to have or maintain his aforesaid ac-
tion thereof against the said defendant, and that
he the said defendant is not bound by law to
answer the same - And this he is ready to verify:
wherefore, by reason of the insufficiency of the
said fourth Count of said declaration in this behalf,
the said defendant imparlance as aforesaid, prays judg-
ment and that the said plaintiff may be barred
from having or maintaining his aforesaid action
thereof against him, &c.

And the said defendant imparlance as aforesaid
according to the form of the Statute in such Case made
and provided states & shows to the Court here
the following Causes of Demurrer to the fourth Count
of said declaration, that is to say:

First There is no averment in said Count in legal
& traversable form that on the fifth day of August
A.D. 1843 the time of the alleged Cause, the said
Adam Lewis white, Sarah Lewis white, John Anthony
Lewis white, Benjamin Franklin Lewis white, Cyrus
Jackson Lewis white, & Lucretia Lewis white were
held & taken as a slave by the said plaintiff
or were his slaves.

Second, There is no averment in said Count in legal
& traversable form that on the tenth Day of December
A.D. 1843 the plaintiff had any right to the labour
& services of said Adam, Sarah, John Anthony, Benja-
min Franklin, Cyrus Jackson & Lucretia, or that
they were then held & owned as a slave - nor is
there such a averment in regard to the twenty seventh Day

day of January A.D. 1847.

Third. There is no averment in said Count in legal & traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said Count whence said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Cleveland.

Sixth. It is not averred in said Count with sufficient certainty & in traversable form that the said persons were fugitives from labour on the twenty fourth day of January A.D. 1847.

Seventh. There is no averment in said Count in legal & traversable form with certainty of time & place of notice to the defendants that the said persons were fugitives from labour.

Eighth. It does not appear from said fourth Count and is not therein averred, or shown, with legal certainty in what manner or by what agencies or means the defendants interfered, obstructed or hindered the Agents of the plaintiff in recovering and seizing said persons. The allegation is general that the defendants interfered obstructed & hindered without any specification of the particulars or means - and is vague, untechnical & not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. There is no specification in said fourth Count of any statute of the United States, and no intelligible reference to any particular statute for the violation of which, or under which this action is brought. And for that said fourth Count of said declaration is in other respects uncertain, informal & insufficient &c.

And as to the Fifth Count of said declaration the said defendant, William D. Rector, impleaded as aforesaid, by his said attorney comes & defends the wrong & injury when&c and says, that the said fifth Count of the said declaration & the matter therein contained in manner & form as the same are above stated & set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same— And this he is ready to verify; wherefore, by reason of the insufficiency of the said fifth Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided states & shows to the Court here the following causes of Demurrer to the fifth Count of said declaration that is to say;

First, there is no averment in said Count in legal & traversable form that on the fifth day of August A.D. 1843, the time of the alleged escape the said Adam Crosswhite Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite & Lucretia Crosswhite were held to labour or service by the said plaintiff, or were his slaves. —

Second, there is no averment in said Count in legal & traversable form, that on the fifteenth Day of December A.D. 1843 the plaintiff had any right to the labour & service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, & Lucretia, or that they were then held to service or labour — nor that they were so held to labour or service on the twenty seventh day of January A.D. 1847.

Third, There is averment in behalf transcribed from that on the twenty second Day of January A.D. 1862 the said persons were positive from labour.

Fourth, There is no averment in said Count in legal & transcribed form with Certainty of time & place, of notice & the defendants that the said persons were positive from labour.

Fifth, It does not appear from said fifth Count and is not therein averred & shown with legal Certainty in what manner, & by what agencies or means, the defendants obstructed the agents of the plaintiff in discharging said persons, the allegation is general that they obstructed them, without any specification of the particulars or means - and is vague, unprecise & not admitting of a traverse or denial, and not sufficient to inform the defendants of the Cause of action or ground of Complaint against them -

Sixth, There is no specification in said fifth Count of any statute of the United States and no intelligible reference to any particular statute for the violation of which, or under which this action is brought -

And for that said fifth Count of said declaration is in other respects uncertain, informal and insufficient, &c.

Henry R. Clarke Atty & of Counsel
for said William D. Rector Defts

1900.

The Circuit Court for the U. S. for the 7th Cir. & Dist. of Mich.

William D. Rector impd with Charles S. Graham et. al

ads.

Francis Giltner.

Plea & Demurrer to bill -

Henry K. Clarke
Atty & of Counsel
for W. D. Rector.

Filed August 2d 1897
[illegible] Clerk
By Geo. S. Bull
Deputy

Be it remembered that on the 27th day of October in the year 1841 at Marshall in the County of Calhoun State of Michigan Charles S. Topham personally appeared before me County Judge of the said County of Calhoun stating that he the said Charles S. Topham was one of the defendants in a suit then depending in the Circuit Court of the United States for the 7th Circuit & District of Michigan wherein Thomas Gelston was plaintiff, that the testimony of Edwin A. Wells Edwin G. Squires Cornl P. Austin George Starkell John Nichols Nelson Church William Paston Angus McPherson, Willis Rix, Charles Howell Henry White Elisha Gilbert, Thomas Dick Mary Simms, William R. St. Clair, Topham Edmon, Frederick A. Kingsbury, Lawrence Kingsbury, Job. Pettingill, Lawton H. Robinson, Horace J. Penn, Seth Lewis, Charles Thorne, Joseph P. Beach George Main William Wood & Randall Hobart was material and necessary for the said defendants in the defence of said suit and that all the said witnesses lived at Marshall more than 100 miles from Detroit where the Court aforesaid before said defendant expected the said cause would be tried, was appointed by law to be held, that Thomas Gelston the above named plaintiff resided in Carol County in the State of Kentucky about 300 miles from Marshall aforesaid, and that Mesrs Pratt & Craig his Attorneys resided at Marshall aforesaid

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And the said Charles P. Gorham requested that the said witness might be examined according to the directions of the act of Congress in such case made & provided.

Whereupon I ordered that the said Edwin A. Mills Edwin G. Squires, Orrin P. Austin, George Haskell & Thos Nichols Nelson Church, William Paxton, Augustus M. Pherson, Willis Rix, Charles Howell, Henry White, Elisha Gibert, Thomas Dick, Mary Givens, William R. McCall, Joplin Edmon, Frederick A. Kingsbury, Lansing Rix Kingsbury Asa Pettingill, Lawton N. Robinson, Horace J. Lewis Seth Lewis Charles B. Parmer, Joseph P. Beach, George Train, William Wood & Randall Hobart should be examined de bene esse before me at my office in the village of Marshall on the 30th day of October 1848 at nine o'clock A.M. and that due notice should be given to Messrs Hall & Gray the plaintiffs attorneys of such examination & the end that they might be present & put interrogatories & Thereupon satisfactory proof that such notice had been given and the said defendant Charles P. Gorham appearing before me at the hour and place above appointed I then proceeded to take the said examination

1.
F. A. Kingsbury sworn And the said Frederick A Kingsbury being by me duly examined & cautioned & sworn to speak the truth the whole truth & nothing but the truth says. That he is thirty Eight years of age & upwards. resides in the village of Marshall. Has resided there upwards of 3 years past. Knows the defendants. Gorham Comstock Hurd & Mosher. but not the plaintiff. Knew Adam Crapo while & family who resided in Marshall in the winter of 1847. I learned of the boys were under various instruction in the Sabbath School for a year or more before they left Marshall. Resides an adjoining town to

School for a year or more before they left
3. Marshall. Reasons an attempt had to
have been made by some Kentuckians to
take the Crisholite family away from Mar-
shall in the Winter of 184[illegible]. Thinks it was
about the 27th day of January. Was at the
house of Adam Crisholite on that day - went
up there pretty early in the morning. must have
been 7 o'clock, possibly before. The first thing he
did after breakfast - Don't recollect who went
up with him - when he was coming down from his
house to the village - he met one of John B. White's boys
coming from the direction of his father's house - who
told him that some Kentuckians were trying
to get the Crisholite family - went from there went
to his shop & stopped in a few moments &
immediately went up to Crisholites - found
on his arrival there but few persons about the
ground & not more than 1/3 of them whites the
rest are colored persons - It seemed to him
there could not have been over 25 persons in
all might not have been so many - noticed
a number of black women & children among
them - Saw some strangers there - Said to
be Kentuckians spoken out to him
as such, There were 4 of them. There
were none of the white defendants there
at that time - It was from half an hour
to an hour & perhaps longer after witness
got there before the white defendants ar-
rived - His impression is that he saw Com-
stock there first, but is not certain whether it
was Comstock or Gorham he saw first -
There was not at that time much doing - people
were coming there from there & there - going on

4 and comin out the house talking - Three of the Kentuckians was standing out some distance from the fence by themselves - The glass eyed man Lee was mooving about a good deal talking with the people. Fountain was also mooving about talking with persons there - Saw a waggon there, a double waggon the team tied to the fence, his inspection of the waggon was already there when he arrived. Saw Adam Copshire shut his wife & child in, did not see the boys. Saw the old lady in the house. On inspection thinks on his way up he met Dixon & Adam Copshire coming down & that Copshire returned then after with him got on the ground. - Saw no attempt made by the Kentuckians or any of them to take the Copshires or any of them. Did not notice particularly when Gorham came observed him in conversation with Fountain - was near enough to hear what he said - did not notice but one conversation between them. The conversation he noticed was this - as nearly as he recollects - They were talking about taking the names. Heard Fountain ask for Gorham name - and Mr. Gorham gave his name - Does not recollect any particulars of the conversation besides with sufficient distinctness to enable him to state it - Recollects Patterson the black man coming up there on horseback with a gun & bell - Heard Mr. Gorham direct him to go away - Recollects Gilton saying in answer to something said to him by persons in the crowd that he would not talk with

5A

them out would talk with Mr. Gorham, Hurd as they were gentlemen. The first resolution offered as near as he recollects was by Troutman. it was that he be permitted to take the slaves before justice Shearman. His impression that Mr. Gorham offered as an amendment to this resolution "if it were done legally." Heard a resolution offered by Troutman which was the last one, to adjourn till 2 o'clock. Did not hear any resolution offered by Gorham except the amendment to Troutmans as above stated. If Gorham had offered a resolution in a loud voice calling attention of the crowd to it. that the slaves could not be taken by moral legal or physical force thinks he must have heard it, but he did not hear such a one & did not vote for it. The manner of the white defendants on the ground was not violent. but if any thing their manner & conduct tended to quiet excitement & disturbance. Their conduct he has always thought since that time was on that occasion conciliatory & gentlemanly. Mr. Hurds resolution was offered just before the breaking up of the crowd ~~[illegible]~~ when numbers had gone away. Witness thinks there was not much excitement among the whites. The negroes were excited no doubt. Some few of the whites might have interfered against an attempt to take the Crosswhites forcibly. but the great majority he thinks would not have interfered

H. A. Humphrey

See Cross Ex.n of this witness at page 55 & 56 Post

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The Examination was then adjourned till One Oclock P.M. And was then adjourned further till the first day of November next at 8 oclock A.M. ~~and was further adjourned till~~ at which time.

2.
T.Vick

Thomas Vick being sworn to speak the truth the whole truth & nothing but the truth Says That he resides in the village of Marshall & has resided there about 11 years past. is 32 years of age & upwards. Knows the white defendants in this suit. Gorham Hurd & Comstock. & all the others except Smith. Knew Adam Crosswhite a Coloured man & most of his family
10 who formerly resided in Marshall. Remembers the occurrence of an attempt or a rumoured attempt of some Kentuckians to take the Crosswhites away in January 1847. Was at the house of Crosswhite on the day of the alleged attempt to take them away. Went there between 7 & 8 oclock A.M. as he thinks cannot be positive as to the time. Found 4 persons there, said to be Kentuckians There was a considerable of a crowd might have been 40 or 50 persons in all whites & blacks when he got there about the door. There was there at that time a double
11 waggon standing near the fence with a Country team. The Kentuckians were not doing much of any thing when he arrived there. Some of them were in the house. Mr Troutman was

7. Mr. Strahman was in the yard in the front of the door talking with the people there. Saw Adams by & while this wife & one of the children — don't recollect seeing any more of the children —

It was as he thinks half an hour or more after he arrived there before either of the defendants arrived or before he saw either of them — Saw them out side of yard gate & as he supposed when coming up — Saw no attempt made by either of the Kentuckians or any one else to take or interfere with the Negroes in any way. Thinks if any such attempt had been made should have seen it either before or after the arrival of the defendants. — Stood on the ground till the crowd dispersed. When he first saw Gorham and Alexander talk the crowd was as large as it was at any time. The first he saw of Gorham was as he was coming up outside the fence towards the crowd — & as he was coming up Trahman went towards him & met him outside the yard — They met between 2 & 4 rods from the fence — Where was then standing with the yard directly between them & the house — Could not hear from where he stood what was said by them — Did not hear Gorham give his name — Saw Trahman have a pencil in his hand — Soon after this meeting heard Comstock give his name in a pretty loud voice — Did not hear any thing

8 Also said between him & Troutman & Hurd
14 Troutman says he wanted to take or would take the Crosswhites before Shearman — Think
A this was said by way of a Resolution — and to this Mr. Gorham remarked by way of amendment — if he took them legally. This resolution was near the close of the meeting — Mr. Hurd also offered a resolution — Mr. Troutman also offered a resolution to adjourn till 2 o clock & he would meet them there on the ground. These resolutions were offered in succession. One immediately after another & all near the close of the meeting — Did not hear any other
16 resolutions — When Mr. Hurd offered his resolution that if the Kentuckians did not leave town in two hours they should be prosecuted. Mr. Camp offered as amendment that they should be tarred & feathered & rode on a rail — Mr. Hurd on this checked Camp & told him that would not answer — Did not hear Mr. Gorham offer any resolution except the above amendment —

Being asked whether if Gorham had offered a resolution then in a loud tone of voice calling the attention
18 of the crowd to it — to the effect that the Crosswhites could not be taken by moral legal or physical force he would have heard it —

he would have heard it
answers He thinks he should have
Has no doubt he should have heard it
9. heard it - But did not hear him
give any such resolution - Did
hear defendants Comstock say
something of this kind but not
in the shape of a resolution - Did
not vote on any such resolution - Is
sure he did not - Did not consider
the manner of the defendants Gorham and
17 & Comstock violent - Thought from
manner conversation - Saw defts. Gorham
go to Patterson the black man & take
hold of his horse on the & turn his head
& Patterson then rode off - Saw nothing
in the conduct of the white defendants
nor in any other white person
then calculated to produce violence
~~or any one else~~.

Question - Did you see any thing in the
manner or conversation of the white
persons then to induce you to think
that if the Kentuckians had made an attempt to
15 take the Prohibites off with them they that is
the whites would have interfered -
Ans. Answers. Did not see any
thing to warrant such an opinion -
At the time Rude resolution was
put a good many had gone away
from the ground - Does not recollect
seeing any of the Kentuckians hit at
that time - Capt M. Troutman

On Cross Examination ~~by Lapp~~

Question - How many resolutions did you
hear on the ground - Ans answers. Three

10 Being asked by whom. He says
19 One by Mr. Hunt & two by Mr. Trautman.

Being asked. Did you hear any resolution offered by Mr. Gorham.

He answers. He offered an amendment to Mr. Trautmans resolution.

Being asked to state what the resolution of Mr. Trautman was.

He says. He can state the substance. It was. That he was to take the slaves, as perhaps understood him. to the South.

Being asked if that was all he recollects of the resolution

He answers. It is all he recollects.

Being asked if Mr. Trautman had stated any thing more in his resolution he would have recollected it.

20 He answers. There was more words used than he has now stated. but dont recollect what they were.

Being asked if Mr. Trautman had offered in said resolution that he he permitted to take the slaves upon Squire Shearmans to make proof. would the witness have recollected that.

He answers. He did hear Mr. Trautman make use of those words but cannot tell whether in said resolution or at a different time.

Being asked whether the resolution was offered inside or outside the yard.

He answers. He thinks inside.

21 Being asked where Mr. Gorham was standing when Mr. Trautmans resolution was

standing when Mr Dunbars resolution was
11 offered

He answers. On the outside of the yard

Being asked - Whether there was a vote on this resolution

He answers - He thinks there was.

Being asked If the crowd generally voted -

He answers. Thinks the greater part did vote on it.

Being asked Whether the crowd voted for or against this resolution

He answers - In his opinion they voted against it -

Being asked whether Mr Gorham was in the crowd at the time that vote was taken -

He answers. He was then on the ground
22 on the outskirts of the crowd.

Being asked - How far Mr. Gorham stood from Mr. Dunbar at the time the resolution was offered

He answers - about ten feet.

Being asked if Mr. Hand was in the crowd at the time that vote was taken.

He answers - He was

Being asked - If the coloured defendants were in the crowd at that time -

He answers. He cannot say

Being asked If D. Comstock was there at the time the resolutions were offered -

He says - He was - with not the two

12

positive but thinks he was

Being asked if he actually voted for the resolution offered by Mr Bowman?—

He says he did not & did not vote for any resolution—

Being asked whether most of the crowd immediately round Bowman when the resolutions were offered were Whites or blacks?

He answers. They were mostly whites

Being asked whether it was the whites crowd that voted against the resolution of Mr Bowman

He answers. Both whites & blacks voted against it—

Being asked if he can name any person who voted against the resolution?

He answers. Dont know that he can name any one who did it — But the question was put and voted down

Being asked how long after the resolution was put it was before Mr Gorham offered his amendment.

He answers. Immediately after the resolution was offered—

Being asked how long after Mr Bowmans resolution was offered & voted on was it before Mr Gorham offered his amendment or resolution or whatever it was

He answers — The amendment of Mr Gorham was offered before the resolution of Mr Bowman was voted on

Being asked whether the crowd

Bennis asked whether the crowd acted for or against Mr Gorhams resolution -

13. He says. He does not recollect as that was put to vote

Bennis asked, whether Mr. Gorham suggested to the crowd what would be a legal course.

He answers. He did not hear him make such suggestion -

Bennis asked, whether there was not much said in a loud loud voice on the ground there. Which witness does not recollect.

He says. There might have been much said which he did not hear - and there might have been some things said which he does not recollect but thinks the greater part of what he does not heard he does recollect -

Bennis asked if he saw John K. Mills & Prentiss Hewitt on the ground?

He says. He did

Bennis asked if he heard them say any thing on the ground about tar & feathers or say any thing about taking the Elders or make any threats?

He says. He did not hear -

Bennis asked if he heard any thing said there on the ground about tar & feathers & if so by whom -

He says. He heard something said on that subject by Mr. Camp. but by no one else

Bennis asked if he heard any of the crowd there call the Kentuckians kidnappers, mean stealers, or use any other harsh epithets towards them - He says he did not hear

30

Being asked if he heard any of the crowd on the ground say any thing in opposition to the removal of the slaves by the Kentuckians he says. He does not know that he did.

Being asked how long it was after he got on the ground before Mr Hinds resolution was offered

He says. Near two hours. Could not say the time.

Being asked what Mr. Hinds resolution was.

He says. It was that these Kentucky gentlemen if they are to leave town in two hours or be prosecuted for breaking the peace - or words to that effect. there may not be the precise words

Being asked if the crowd cried for Mr. Hinds resolution. He says, he cannot say that it was put to vote. does not know whether it was or not

Further by Pepp. counsel -

Did you regard Mr Hinds resolution at the time it was offered as favorable to or opposed to the removal of the slaves by the Kentuckians -

Objected to by Dept Attorney taken subject to objection

He answers. He did not regard it either way at the time it was offered.

Being asked whether he heard a Conversation between Dr. Comstock and Mr. Hartman.

He says. He heard Dr. Comstock say

that the slaves could not be taken by moral
15 legal or physical power — this is all he heard
in that conversation. Dont know that this remark
was made in conversation with Mr Fontaine
rather thinks Mr. Fontaine was not any where
near him at that time.

Being asked when he went from the ground?
He says. To the Marshall House

Being asked whether he remained stationary
there or on the ground —

He says. He was moving about some
Being asked. Whether the citizens of Mar-
shall are in the habit of collecting in large
crowds around strangers. on their arrival
in the village & offer to treat them.
ride them on a rail call them Kidnap-
pers & offer & adopt public resolutions
that they shall leave town in 2 hours,
or other resolutions for combatting
or dividing the strangers as to how
he shall attend to his own business?

He says. — That the citizens of Marshall
are in the habit of gathering around strangers
that visit the town on business. but are
not in the habit of tarring & feathering or
riding them on a rail. or of proposing
such entertainment — or of doing any of
the other acts referred to in the interrogatory.

Direct Examination resumed

Being asked whether the people of
Marshall are in the habit of being visited
by strangers armed with Bowie Knives
and Pistols. & threatening to destroy

16 the town if they are oftener in their undertakings; and whether it is customary for strangers who come to Marshall to congregate people about them & com-
36 mence offering resolutions?

He answers. That neither of these occurrences are frequent at Marshall never knew but of one instance

J. Vick

3.

E.G. Squires } Edwin G. Squires being sworn to speak the truth the whole truth & nothing but the truth says – That he is 34 years of age & upwards. resides in the village of Marshall & has resided there for 11 years past & upwards – Knows all the defendants but Bingan Parker & Smith – but not the plaintiff – Knew of an attempt said to have been made to
37 take away Adam Crosswhite's family from Marshall in January 1847. by some Kentuckians – Was at Crosswhites house on that day. went there he thinks between 8 & 9 o'clock am, Found persons there said to be Kentuckians – 4 of them. Thinks there were not more than a dozen or 15 persons there blacks & whites at that time – Recollects seeing a two horse waggon standing there – is not positive whether it was there when he arrived or not – The defendants Gorham & Comstock were not there when he
38 arrived – Cant say whether Hurd was

17.

of an hour after which I got the
Report saw Gorham & Comstock
there – saw W. Boutman just com-
ing from house towards gate – he
was talking with different persons –
saw Lee talking with persons there saw
nothing done by any of the Kentuckians
except talking – saw Gorham come
up – which was standing near W.
Boutman & Lee when some one
said – Gorham is coming – Bout-
man went forward & met Gorham
outside the yard – The first Wit-
ness heard of this conversation – was
a remark of W. Boutmans – "I under-
stand you to say" something wit-
ness did not hear – at this Gorham
shook his head & answered "I did
not say that" or words to that Effect.
During the conversation between them
thinks before the remark just quoted,
heard Boutman say to Gorham
"your name Sir" or what is your
name – Heard W. Boutman also
ask Comstock his name, & Com-
stock told him his name – & also
heard Boutman say to Comstock
"I understand you to say" but did
not hear further what he said – &
observed Comstock shake his
head – After Comstock gave
his name witness turned away
& heard no more of the conversa-

Witness staid on the ground till a good share of the people left. It might have been half past 10 oclock A.M. when he left. Staid till the crowd was breaking up & staid till he saw nothing further was to be done. 41 Did not hear any resolutions on the ground. If any had been offered whilst he was there in a loud tone should have heard them. A Cant recollect seeing any of the Kentuckians on the ground except Troutman when he left. Dont recollect distinctly hearing Gorham Comstock or Hurd talking in the crowd. Thinks the conduct of the ~~the~~ white defendants on the ground there was of a conciliatory character. ~~There was [illegible]~~

42 Noticed defendant Gorham sending Patterson away from the ground — Being asked whether the white defendants seemed to be excited — He says they seemed to be in earnest —

Being asked whether he saw any thing there on the part of the whites there which led you to believe that they would have interfered against the Crosswhites being taken away by the Kentuckians —

He says he cannot fix his mind on any man there who would have been likely to ~~be~~ interfere ~~violently~~ 43 with force in case of such taking.

When he left the ground the crowd

seemed to be quiet

19.

On his Cross examination he says.

Being asked if there was much excitement on the ground when he was there

He says he does not think there was excitement was great but there were some.

Being asked what he deemed to be the subject of conversation on the ground.

He says. That he thinks he heard Mr. Bontman say. or if not he in his company, that if they could have taken them if they had to get a regiment from Kentucky to take them.

Being asked whether he heard any threats or epithets made use of towards the Kentuckians then at the ground

44. He says he heard one person make use of abusive language. cant tell what it was. cant fix his mind on the person

Being asked whether he heard frequent expressions in the crowd against the Kentuckians taking the slaves

He answers he did hear some expressions of that kind

Being asked whether he heard any resolution offered by Bontman.

He says he did not

Being asked whether he has stated all that he recollects of what the defend-

45

20

ants Said on the ground
& answers. That he has
stated all that he definitely recollects
of what they Said.

E. G. Squier

The Examination was then adjourned
till ½ past Six o'clock P.M. at which
time the Said

4.
W. A. Wood

William A Wood being Sworn
to speak the truth the whole truth &
nothing but the truth Says - that
he is 20 years of age Supposes
resides in the village of Marshall
that resided there for 12 years
past - is by occupation a merchant
knows the defendants in this suit -
but not the plaintiff - knew Adam
Crapsholte a coloured man & his
family who resided at Marshall
in January 1847 - Recollects the
occasion of an alleged attempt
to take them away by some Kentuckians in that winter - Was
on the ground on that occasion
at the place when Crapsholte
lived - Went there after breakfast
about 9 o'clock - might have been
somewhat later - had been at the
store after breakfast before going up
Rode up about ½ a mile distance
with the defendant Bingan, on
arriving there saw persons there and

21. to be Kentuckians - Saw Mr. Gorham[illegible] on both sides - Saw nothing going on there but talking in which the people seem pretty busily engaged - Saw no effort to take the slaves - Was there till the crowd dispersed Came away with Mr. Boutwell - Heard some resolutions offered. Is not positive but thinks the first one was offered by Mr. Boutwell - Thinks the purport of that was, that he might be permitted to take the slaves before Esq. Sherman & prove property - Heard other resolutions but cannot state what they were Heard Mr. Gorham offer either a resolution or an amendment cannot tell which & does not recollect the purport of it - Heard Mr.
A. Boutwell offer a resolution to adjourn & heard him speak of being there that day again - Thinks that was by way of resolution after that time a considerable portion of the people had gone away After the passing of the resolutions persons were talking loud & noisily. Some were laughing & joking -

Being asked whether if a resolution had been offered there as a loud tone, that the Constables could not be taken by moral legal or physical force. He should have heard it

He says. He thinks it is not likely he should have heard it. & that if

22 the attention of the crowd had been called to it. he should have heard it.

He heard no such resolution. Thus certainly did not vote for it. Saw the white defendants there on the ground but heard nothing ~~among~~ conversation between them or either of them and the Kentuckians or 50
any of them — which he recollects. but heard ~~[illegible]~~ them in conversation. Heard names called for. ~~such conversation~~ — His attention was not more directed to the white defendants than to other persons that he knows — Saw the negro Patterson there on horseback with a bell making a good deal of noise. Heard him say something about Kidnappers. Saw some one go to him & cause him to go away. but dont know who it was. Saw no attempt to take away the Prisoners.

51 On his cross examination by Mr. Troutman.

Being asked whether there was much excitement on the ground.

He answers — There were those who were talking loud & those who were laughing & joking — & there were those there who were excited more than they ordinarily were.

Being asked whether he heard any persons in the crowd talking in oppo

23. Action to the removal of the slaves?

He says. He did. but cannot tell who they were

Being asked whether he heard any thing said in the crowd about tarring & feathering.

He says he did not or does not recollect.

Being asked whether he heard any epithets applied to the Reductions by persons in the crowd?

He says he thinks he heard the word Kidnappers used there in reference to them.

He says he heard Mr. Hunds instruction but does not recollect whether it was carried or not.

William. A. Wood

5. The said examination was then adjourned till to morrow morning at 8 o'clock A.M. (Nov 2) At which time the said Charles H. Howell being sworn & speak the truth the whole truth touching & but the truth says. That he is 32 years of age & upwards. Resides in the Village of Monahans has resided there 4 years last & upwards. Knows the defendants in this suit. but not the plaintiff. Knew Adam Crosby & his family who resided in Monahans the winter of 1847. Recollects an attempt said to have been made to take the corporality by some Reductionist - in the early part of 1847

24 the last of January or first of February — was
54 at Crosswhites house on the morning
of that occurrence — went there between
6 & 7. o'clock A.M. thinks he went
there about 6 o'clock. Saw when he
got there the 4 Kentuckians, Dixon
Harris & part of the Crosswhites — all
except John — Mr. Troutman & Mr.
Giltner stood in the door when he
got there — The two other Kentuckians
and Dixon were there inside the house
Witness went up & passed into the house
on arriving there — The first thing he heard
said after he went in was Lee saying
to Mr. Troutman to keep his eye on Cross-
55 white — Witness remained in the house
till a large crowd had gathered
outside

Question by defendants —
What did you hear any
of the Crosswhites say.

Objected to by Pltff. & answer
taken subject to objection

He answers — He heard Mrs. Cross-
white say she would never be taken
back to Kentucky alive. Heard her also
say to Mr. Troutman or Mr. Giltner that he had one of her
daughters & that she ~~[illegible]~~ had served him
all her life & she thought that was enough
without coming after the mother — This
56 last remark was made in Conversation
with Mr. Troutman & Mr. Giltner — between

25 shore and Mr Crapholite then was other
Conversation besides which witness
does not recollect — Witness was
the last man that left the ground.

Recollects seeing the white defendants
on the ground — Saw them when they came
there — Did not hear any conversation
between them or either of them and any
of the Kentuckians — Witness was standing
near the house when the white defendants
A came up — Heard some resolutions. The
57 first one was offered by Mr Boutman
The purport of said resolution was that they
be permitted to take the Crapholites
before Squire Shearman — Heard
an amendment offered to this resolu-
tion — by Mr. Gorham — which was "Provided
they do it legally" — Mr. Hand also offered
a resolution — Heard one Resolution
offered by Mr. Boutman after that of
Mr Hand. The purport was — to adjourn
till two o'clock P. M. & he would be there
on the ground — After this the crowd
began rapidly to leave — Could have gone before
the resolutions — The Crapholite family
had all gone, before the resolutions
were offered — Hackett had also gone
before this — Saw none of the Kentuck
ians there. Except Mr. Boutman at the
time the resolutions were offered.

Being asked if a resolution had
been offered to this effect Resolved that
the Crapholites Cannot be taken by mob

legal or physical force, & offered in a
loud tone of voice & calling the attention
of the crowd there - You would have
heard it!-

He answers He should have heard
such a one had it been offered. as he
was on the look out - but heard
no such resolution -

The witness saw no attempt while
59 he was there to take the Crosswhite family -
A waggon came there after he arrived
prepared to carry people - but there was
no attempt made to put any body
in it. At the time the resolutions were
offered there was a good deal of talking and
laughing in the crowd & Mr. Troutman a
part of the time had seemed to be excited. but when
the resolutions were offered he seemed to
be cheerful & in good humor -

Being asked whether if an attempt
had been made to take the Crosswhites out the
hands of the Kentuckians - do you think the
coloured people there would have inter-
60 fered to prevent their being taken -

He answers - He thinks they would

Being asked whether the coloured people
there were rather overawed by the presence
of the white people there & kept by them from
committing any outbreak -

He answers - He thinks they were -
He thinks the white defendants seemed very
gentlemanly there - and their intentions
seemed to be to quiet the people -

27. After leaving the ground which went first to Hackett's house. found there Hackett family & Crapwhites family — was there again in the afternoon & evening — lodged there. It was his regular lodging. had been for a year — went to his lodging there early in the evening & stayed there all night. Was there when the Crapwhites went away. Did not see any of the White defendants there that night. Neither saw any of them there —

On his cross examination by Mr. Boulware

Being asked whether he saw Planter Mosp at Crapwhites in the house that morning?

He says, he did

Being asked whether he heard Planter Mosp say any thing against the removal of the Crapwhites by the Kentuckians

He says He did — The first thing he saw of Mosp. was — He came into the house took off his coat laid it down. threw out his arms — and said — "The first man that makes a move I slay him"

Being asked whether he heard Planter Mosp advise Crapwhite not to go into the Kentuckians?

He answers. It strikes him he did say something of that kind.

Mosp appeared to be excited somewhat

28 manifested opposition to the removal
63 of the slaves.

Being asked whether he saw the assault made by Smith upon Boutman?

He answers. He saw Smith lay hold of a stick on the fence & advance two or three steps towards Mr. Boutman and saw Mr. Dixon take hold of the stick. Smith seemed at this time to be excited. Heard something which did not hear.

The resolutions were offered by Mr. Boutman outside the yard. He stood while offering them on a rock or stump there. Heard no resolutions offered outside the yard. At the time the Resolutions were offered, there was not much odds of a hundred persons on the ground.

64 Heard some expressions amongst the colored people in the crowd, against the resolutions being taken away by the Kentuckians. Don't recollect hearing any such expressions from the white people in the crowd.

Heard nothing said on the ground about tarring & feathering the Kentuckians.

Being asked whether the colored people on the ground manifested a determination to prevent the slaves being taken away, by force or by resistance?

He answers, they did.

Being asked whether he, the witness, did not participate in said feeling himself?

65 He answers: He was there, but did not participate in that feeling – was in the crowd observing what was going on, & was not excited.

Being asked – If he did not advise Crosswhite not to go with the Kentuckians?

He answers. He did not – & did not give him any advice at all

Being asked whether he said any thing to the Crosswhites in the house, or in their presence in relation to their going away –?

He answers He did not

Being asked whether he said any thing to any person on the ground in
66 opposition to the Crosswhite being taken away –?

He answers, not as he recollects of – He might have said something of the kind, but does not recollect –

Being asked whether he said any thing of that kind to Mr. Troutman.

He answers. It is possible he might, but does not recollect.

Being asked whether he did not say to Mr. Troutman, while in the house, that he could not take the Crosswhites away?

He answers. He does not recollect saying any thing of that kind to him

Being asked whether he did not
67 become very much excited while in the house in conversation with Mr. Trout

man.

He answers, he did not

Bains asked whether he did not while in his house, demand of Mr. Troutman authority for taking his slaves?

He says he did not.

Bains asked whether he did not tell Mr. Troutman that he could not take the slaves without a written authority from the Federal Court?

He answers, he did not.

Bains asked whether the Kentuckians while on the ground were treated courteously by the Colored people then?

He says. They were by a part of them

Bains

68

Question by Mr. Troutman.

Does the witness consider it unnecessary to oppose the recapture of fugitive slaves, if it can be done without violence?

Objected to & answer taken subject to objection.

He answers. He does consider it unnecessary to prevent their recapture with or without violence

Question by Mr. Troutman.

Do you not in your feeling justify white persons in opposing the recapture of fugitive slaves?

Objected to & answer taken subject to objection

He answers — He does not justify them when the recapture is done legally But when it is done by breaking into

60

houses by night, gagging, hand cuffing,
31 throwing him into waggons & carrying
him off against his will. he does
ratify them in opposing the recapture.
(The last clause of the answer of witness
to the above interrogatory included in
brackets, the Defts. counsel objects to as
a voluntary statement of witness.)

Being asked whether he contributed
any money towards getting the corpse
which among from Marshall. when
he went off?

He answers he was not asked to
do so. but should have done so had
70 he been asked.

Being asked whether he knew of any
colored people who contributed money
for that purpose?

He answers he does not.

Being asked whether he saw any
white persons at Hacketts that evening?

This question is objected to. & answer
taken subject to objection

He answers. He saw some white
persons there — He did not see Mr. Wells
Mr. Baker or Mr. Burris there —

Direct & examination resumed

Being asked whether he had any means
of knowing what number of persons were on
71 the ground at the time of the recapture
being effected?

He answers — He did not count

them - nor eliminate the number them - He
32 gives the supposed number from recollection
only.

C. D. Howell

6.
E. Gilbert ⅔ The examination having been adjourned
till one o'clock P.M. the said
Elisha Gilbert being duly sworn to
speak the truth the whole truth & noth-
ing but the truth says - That he
is forty three years of age & upwards
resides in the town of Eckford
in the County of Calhoun and has
resided there 10 years & upwards
past - Knows the white defendants
72 & Plaintiff Mose but not the others
and does not know the Plaintiff
Records having an attempt made
by some Kentuckians to take away
the corporate family from Marshall
in the winter of 1846 - 7 - Was at
the place when the occurrence took
place & saw on that day - or was near
them, was not at the house - Went
up in company with several others persons
does not recollect with whom - Can't
tell whether it was 8, 10 or 11 o'clock
when he went up there - some time in
73 the forenoon - Went up to the fence
in front of the house - Was curious
to see the Kentuckians who were
said to be there - & they were - saw, as
he thinks in all of the Kentuckians
W. Lawrence & three others - saw

33. W. Gorham & W. Hunt thin. Can't say whether he said Comstock or not. — Was hurried under some excitement & thinks there as much as hour or more until the crowd dispersed. Still he thought nothing more was to be seen. — Before leaving the ground heard some resolutions — Thinks the first resolution he heard was by W. Boutman. to try the sense of the meeting to see whether they would be permitted to take the resolutions before Justice Shearman. Cannot give the language of the resolution — Before the resolutions were offered. observed the 4 Kentuckians move off from the house to gather together on the grove & after remaining a short time together saw them go off towards the village & W. Boutman returned back to the crowd. Recollect hearing a resolution offered by W. Hunt. and also a second one by W. Boutman. the latter was in reference to an adjournment but whether that or W. Hunts was first cannot tell. — The crowd dispersed very soon after the Resolutions were offered.

Being asked whether if a resolution had been then offered before W. Boutman to the effect that the resolutions could not be taken by mob legal or physical force &c

34 fused in a loud tone of voice, calling the attention of the crowd to it. Would you have heard it?

36 He answers. He thinks he must. But did not know any such resolution. Has a faint suspicion of some other resolutions ~~[illegible]~~ after Mr. Foulmans. Was not aware of any thing which then within the enclosure. Did not vote for any resolution which then.

Being asked whether he recollects any amendment to Mr. Foulmans first resolution?

He says he does not

He had an impression that after the first resolution of Mr. Foulmans there was something said or offered but what it was and whether it was a resolution or an amendment he cannot recollect.

37 This is what he referred to above as having a faint impression of

At the time of the crowd's dispersing there was apparently good feeling among the persons there as far as he heard.

Being asked whether he saw any thing then in the conduct of the white defendants calculated to irritate the people there or the contrary?

He answers — He saw nothing remarkable in the conduct of Mr. Gorham or Dr. Comstock. or calculated to make disturbance. But he thought Mr. Hunds resolution was out of place & not then & calculated to irritate the crowd

78

and thought so then & still thinks so - Dont
35 recollect hearing any thing said by the
defendants except what he has already
stated -

Being asked whether he saw any attempt
made by any persons on the ground to take
the Corporation?

He says he did not see any such
attempt made -

On his Cross Examination by Prentiss

Being asked whether he has any particular
recollection of the time he went on to the
ground, he says he has not - it was
79 sometime between 9 & 11 o'clock
AM - must have been before -
Thinks when he arrived at the ground
there were 150 persons there - after
he arrived thinks the crowd may
have increased - but there were loud
cries & going on - The crowd
was outside the fence
except some persons who were occasionally inside -
understood when he got there that the
fuss in the house was over - There
was some excitement then & some loud
talk - There was nothing he had any
fears about - Does not mean that the
crowd as a body were excited - but
80 there were individuals who were so - & in-
discreet & improper expressions were used
by them - Thinks before Mr. Reed had
fully pronounced his resolution - there

86 Came up a voice from some part of the crowd with the words Tar & Feather as if by way of addition to the resolution. but this was immediately rebuked by some one I cannot tell whom.

I long asked whether he heard expressions in the crowd against the Kentuckians taking the Corporates?

He answers - That the question was asked in the crowd by some. Can they take them or will they do so. and such inquiry was answered by others that they could not & would not attempt to take them - and the impression made on the witnesses mind was that the general feeling of the crowd was that the Corporates would not be taken & could not be under the circumstances - & this impression was that there was a general belief that the Kentuckians had no lawful authority to take them & that the only way the Kentuckians could take them was by force - & that if that had been tried the crowd would have resisted - He thinks that at any time while he was on the ground if the slaves had been forcably taken the crowd would have effected a rescue not perhaps by violent means. but as witness thinks by following up in such a way as to have enabled the slaves to get away - thinks there would have been a gathering of the crowd very quickly to that when

the tendency he observed in the crowd to press forward whenever there seemed to be any commotion or excitement

The crowd voted down the resolution offered by Mr. Troutman - There were a very few voices in favor of the resolution - but the vote in the negative was very decisive -

The crowd sustained Mr. Hurds resolution - Dont recollect whether there was any negative vote -

There were no doubt many things which happened there which he has forgotten -

84 Being asked whether he heard any remark made by Dr. Comstock on the ground? -

He answers - He does not recollect that he did -

E Gilbert jr

7. O.P. Austin The examination having been adjourned till ½ past 6 oclock P.M. the said Orrin P. Austin was then sworn to speak the truth the whole truth & nothing but the truth. & testifies that he is 45 years of age & upwards - resides in the village of Marshall & has resided there ten years & upwards. Knows the white defendants and 85 Planter Moss but not the other defendants - nor the plaintiff in this suit - Knew Adam Cross

a colored man who resided in Marshall in the winter of 1847 has seen a woman who was called his wife. Recollects a year ago last winter was at Col Nichols house when quite a large number of people were collected there - from 50 to 100. or there abouts - Can't tell exactly but think about ten o'clock P.M. when he went there. There were several persons there who were pointed out as Kentuckians speaks Mr. Foutman who is here present resembles one of those persons who was called by that name - When he got there there was nothing in particular going on; the people were passing & repassing from one side of the yard to the other. Did not discover any excitement there amongst any of the people there - white or colored - Saw the defendants Comstock Hunt & Gorham there - Witness remained there an hour perhaps longer but not from an hour - Met some people coming away from there as he was going up - Most of the time while there he was near the gate or door way in front of the house - Before leaving there he heard some resolutions offered - One by Mr. Hunt another by

39. the young gentleman they called Gentlemen, and another by Mr. Gorham. To the latter was an amendment carried which did not accord entirely with any of the resolutions were - Immediately after the resolutions were offered he left & quite a number left at the same time - & supposed the crowd broke up at that time - Saw nothing like an angry mood among the people while there - They appeared to feel very cheerful, and there was some laughing at the time of the resolutions

The Examination was here suspended & adjourned by consent of parties till to morrow morning (Nov. 3d.) at 9 o'clock A.M. At which time Mr. Gorham one of the defendants appeared in his behalf and Mr. Prentiss agent & in Plaintiff's the Counsel for the Plaintiff not attending his Examination by consent of the above named persons was further adjourned till One o'clock P.M.

On the 4th day of November 1828. the which Omi Austin again appeared & in the presence of Mr. Hall Counsel for the Plaintiff and Mr Gorham one of the defendants - his examination was resumed as follows: viz -

Being asked whether he saw any attempt while there

outlaw part of the Kentuckians or any one else to remove the Corporation?

He answers – He did not –

Being asked whether if a resolution had been offered him while he was there in a loud tone of voice calling the attention of the crowd to it to this Effect Resolved that these Kentuckians cannot take the Corporation family by mere legal or physical force would you have heard it

He answers. He probably should
90 have heard it – if it had been offered – he cannot recollect the particulars of any of the resolutions he heard there – He did not vote on any such resolution as that above signed after – Did not hear such a resolution as he remembers – nor any one similar to it –

Being asked whether he should have remembered such a resolution as the one above described if it had been offered there

He answers he thinks he should Cannot say whether the Corporations were
91 there when the resolutions were proposed

Cross Examination

Being asked whether he means that if such a resolution as that above referred to had been offered in his hearing

41.

He answers. That is his meaning -

Bain asked how long he was on the ground -
He says. an hour he thinks, perhaps a
little over - It was about ten perhaps
a little after when he went there - & about
11. o clock when he left - There were
some blacks on the ground. There were
92 6 or 8. or a dozen but say exactly
how many - Thinks there were as many
as 50 white persons there - might have
been less or more - The crowd was
changing their positions frequently
& were not stationary - Thinks the conversation
among them was kept up while
they were moving about as a general
thing - The greater part of the time with
blood pretty near the same place - but
moved about it the ground once or twice
was engaged in conversation himself
93 some portion of the time

Wm P Hughes

the said Examination having been further adjourned till the 3d day of December 1858 at 6½ o'clock P.M. at that time -

43

8. J. P. Beach

Johnathan P. Beach being sworn doth speak the truth the whole truth & nothing but the truth says. That he is 39 years of age & upwards. Resides in the Village of Marshall & has resided there for 10 years past & upwards. Knows all the defendants in this suit except Smith. but not the Plaintiff Knew Adam Crapshite & part of his family who resided in Marshall in the winter of 1857. Recollects a removal attempt made in January 1857 by some Kentuckians to take away the Crapshites from Marshall. Started to go to the place where Crapshite lived on the morning of the occurrence - as he thinks ~~about sunrise~~ past nine & ten o'clock. As he was passing R. E. Hall's house going up street saw three men who were pointed out to him by some one who had been on the ground, as three of the Kentuckians who had been after the Crapshites: these 3 persons were then going towards the Marshall House - When his attention was first called to them they were just turning on the East side of the Sign Post towards the Marshall House - and at that time were some 12 or 14 rods from them going on further up street or towards

Constables met defendant Comstock and Asa Bullock. nearly South of John B. White's house. they were on Mansion Street. nearly to the South side – On meeting them Witness turned about & came back with them towards the Merchant House. & went in there with Cook & Comstock turned off before reaching them & went into his store or onto his premises – In the Merchant house saw a good many persons among them the persons who had been pointed out to him as Kentuckians; they were sitting by the bar room stove. – Thinks he was there about half an hour. – Don't recollect any thing he heard them say. except a remark of the tall man Lee. – Witness was standing in the door between the bar room & reading room. when some one came up & asked him if he could point out the Kentuckians – at that moment the breakfast bell rung. & they rose – Witness pointed to Lee and observed to the guests "That is one of them" Lee immediately turned round. & said Yes Sir! is one of them – And also another remark by one of the other Kentuckians just before this who said to another of them laying his hand on his shoulder as he was about to speak – "It is not necessary

to disapp that room = While there with
459 saw nothing of Mr. Boutman.

On Cross examination he says - He is not certain as to the time of his starting to go to Corpolis on that morning. but judges from what he had done that morning from his present recollection - Can't state how many persons there were at the Marshall House when he got there. Should judge there was as many as from 15 to 20 - The Reminiscences were in the bar room. when he went in - Mr. Lee was in the reading room a part of the time talking with Col. Dickey - He was not in there long. perhaps four minutes

100 Being asked whether he recollects any other person in the reading room when he was there -

He answers - He thinks W. Cook went in there -

Which did not go into the reading room himself. but stood in the door a part of the time -

Being asked if he knew Mr. Boutman at that time

He answers - That at that time he did not know Mr. Boutman. but afterwards when he was pointed out as the lawyer of the company. he recollects to have seen him in the streets before

101 Being asked how near he was to

3 Kentuckians when they turned off to go to the Marshall House

He answers. Six or seven rods as he should suppose —

Being asked whether they were talking when he saw them.

He answers — He could not hear them. but they seemed to be conversing.

J. P. Beach

The Examination was then adjourned till November 4th at 8 o'clock A.M. at which time Mr. Van Arman appeared as counsel for the defendants and Mr. Pratt for the plaintiff — and

9.
W. R. McCall

102 William R. McCall being sworn to speak the truth the whole truth and nothing but the truth. says That he is 36 years of age & upwards. Resides in the village of Marshall & has resided there for 15 years past. Knows all the defendants in this suit except Smith: but does not know the plaintiff. Knew Adam Crosswhite & his family who resided at Marshall in the winter of 1847 — Recollects the occurrence of a rumoured attempt of some Kentuckians to take the Crosswhites away from Marshall in that winter. 103 Can't tell the day or month — Went on to the ground at Crosswhite house on that day — went there late in the forenoon

47 & thinks between 9 & 10 o'clock – There was
quite a number of people there should think
between 80 & 100 might not have been
so many. ~~[illegible]~~
~~[illegible]~~ – ~~[illegible]~~
When he was going up. ~~[illegible]~~
~~[illegible]~~ the person with witness
pointed ~~[illegible]~~ out to him 3 persons whom they met coming down street as being
a part of the Kentuckians – met them
as he thinks about half way between the residence of
Philo Dibble & where Abner Baker for-
merly lived – & ~~about~~ between 60 & 80
rods from Crosswhites – Thinks one
of the 2 persons above mentioned as
104 Kentuckians – was a tall man with
a blue blanket coat on with some
singularity about one of his Eyes –
When witness arrived on the ground & saw
Mr. Troutman & observed the people there
generally busy talking – the first
he saw of Troutman he was outside
the fence & was talking to some one or
more persons. & in a short time after,
he addressed the crowd & alluded
among other things to the part Ken-
tuckians had taken in the defence
A. // of our Northern Country – at the close
105 of his remarks he offered a resolution.
the substance was, that he as the agent
of the owner be allowed to take the Cross-
whites – & witness thinks there was men-
tion made in the Resolution of Squire
Shearman but. whether it was with

reference to taking the Crops whiles before him or not he cannot say — His recollection is that something was said in reply to the resolution but cannot be positive as to that — and this was in reference to its being done legally — His impression is that the remark was made by Mr. Gorham but cannot be positive as to that — He heard some other resolutions — Mr. Hurd got up on a stone or some other object. & offered
186 a resolution — the substance of which was that the Renduckians leave town in a specified time thinks 2 hours. or they should be prosecuted — Thinks Mr. Frontman offered another resolution in reference to an adjournment, and it was stated in the resolution or by some one of the other persons there that they would find him there on the ground — The crowd very soon after dispersed & left the ground. About the time the resolutions were offered there was considerable laughing and talking among the crowd. Thinks the resolutions he has mentioned were all he
187 heard while he was there —

Being asked — Whether if a resolution in these words, Resolved that these Renduckians cannot take the Crops whiles by moral legal or physical force — had been offered in a loud voice calling the attention of the crowd to it while you were on the ground: would

Make upon them on the ground. Would

49. You have heard it -

He answers - He thinks he should. if it had been offered any where in the circle of the crowd which he was on the ground.

He did not hear any such Resolution nor vote for it.

108 Heard not hear any of the Corporations then on the ground. that did not go into the fence - He came away with his crowd. at the same time with Count as he thinks & also with Mr. Bryan & Mr. Faulkner Mr. Gorham & a Lay number besides -

On his cross examination by Mr. Faulkner he Says -

Being asked whom else he met with the Kentuckians as he was going up to Corporations

He answers. He does not recollect who they are but thinks there were several persons in company with them - Does not recollect that he met any body else but that company

109 which on his way to Corporation - Does recollect seeing Dr. Comstock on the ground & does recollect meeting him on the way up there. Does not recollect seeing Asa B. Cook on the ground nor meeting him on his way up there - Thinks he saw Gen. Hays while on the ground - Thinks he was engaged in conversation there. There

was a pretty general conversation going on there. Not positive that Gen. Hunt came down in company with Whitfield. His impression is the crowd came away all about the same time. Cannot name any one in particular who left the ground before
110 the crowd broke up.

Being asked whether he can describe the dress of the other Kentuckians he met besides Lee

He answers. He cannot

Being asked whether those persons whom he met as he was going up & who were pointed out to him as Kentuckians. Had hats or caps on —

He answers. It is his impression they had hats on —

Being asked whether they had over coats on or not.

He answers he cannot say whether the others besides the latter man had or not. Cannot describe the colour of their dress — but thinks it was dark.

The resolution of Mr. Troutman was
111 voted down by a pretty unanimous vote —

His impression is that Mr. Hinds resolution was carried. Cannot say positively. but such is his impression

Is not certain that he heard any body vote for Mr Troutmans resolution There might have been one or two votes

51 On returning from the ground which went directly back to his shop

Being asked whether he can name any other persons who came down with him except those he has named

He answers. He thinks Seth Hart & Wm. Johnson came at the same time.

David Examination resumed

Being asked whether he is positive he saw Gen. Sharp when he first got there

He answers he is not positive he saw him at that time.

It is merely an impression that Wm Johnson came down with which & the others he thinks he saw him on the ground

William R. McCall

The Examination having been adjourned till
10. Monday Nov. 6th at 9 o clock A.M.
H.J. Perrin and being further adjourned till ½ past
2 o clock P.M. at that time

Horace J. Penn being sworn to speak the truth the whole truth & nothing but the truth says that he is 29 years of age & upwards, resides in the village of Manchester. Has resided there about 2 years last past. Knows the defendants Capt Bingham & Parker but does not know the plaintiff. Knew

52 Adam Brophute a colourd man
who resided in Marshall in the winter
of 1857 — Recollects the occurrence
an alleged attempt of some Ken-
tuckians to take Brophute & family
from Marshall — went to Brophutes
on the morning of the occurrence — at
which time Mr Brophute went to town
very soon after breakfast — it was in
the early part of the day — is not
positive as to the time — was on
the ground but a very few moments —
Said Mr Houchman then, does not
recollect seeing the older Kentuckians.
The people were congregating pretty
fast when he was there — there were there
from 50 to 100 people there — Had
seen no attempt on the part of the
Kentuckians to take the Brophutes
Heard no resolutions offered while
he was on the ground — was not
in the house — was about the out-
side the yard — walked up to the crowd
who were standing in groups scatter-
ed from the house outside the
yard —

Being asked whether if Resolutions
had been offered there he would
have heard them —

He answers — That if any resolu-
tion had been offered in the group
where he was he should have

53

heard it. But did not hear any
lie quite sure he did not vote on
any resolution — The witness in speaking
of group means the crowd that was
assembled about him —

A. J. Herrod

On his Cross Examination he says
Being asked how long he stood
upon the ground.
He answers. It would be impossible for him to state definitely how
long. Not to exceed 5 or 10 minutes
Being asked whether he heard
a conversation on the ground between Mr Gorham & Mr Boardman
if so to state what the conversation was & when the parties stood
He answers. That on Monday
just coming up he saw Mr Gorham
standing a few rods outside Crop-
whilys fence in a group there. He
does observed Mr. Boardman coming
from the direction of the house towards
the group where Mr Gorham was.
On his coming Mr. Boardman coming
up. thinks Mr Gorham asked him
what he was going to do — & was
answered by the former that he wished
to take the Cooperhiles before Squire

54

Chairman - Mr. Gorham said do you
upon that You cannot take them the
people or the people will (evidently
referring to the people gathered there) is
about the case - Mr. Boutman then
asked Mr. Gorham his name took
out a book - but does not know whether
he took down his name - Mr Boutman
then immediately turned round &
introduced himself to Mr. Batty
of Gorgon a young man who was
standing by them -

Being asked whether he had
related all that he remembers of that
Conversation?

He Answers he has

Being asked whether he saw Mr. Earl
ly on the ground -

He answers he does not re-
collect seeing him there on the ground
at all

Being asked whether he left the
ground very soon after their conver-
sation -

He thinks he did - and met
Dr. Comstock going up there - as
he thinks turning off from the street
in to the grove - in the vicinity of
the ground - may have been 10-
20 or 30 rods from the place
- the circumstance
is not very fresh in his mind, has
thought very little of it since -

55 Direct Examination resumed.

Does not Recollect to who they were but remembers a number of persons were standing round during the conversation above related — The people then were conversating things of such as he had then been in the place but a few weeks.

A. Perrin

The Examination having been adjourned till 9 o'clock A.M. November 5th 1858 the Witness Frederick A Perrin appeared and

On Cross Examination by the Pltff's Counsel says.

Being asked how many persons were then on the ground at any one time.

He answers. Thinks there were from 100. to 150.

Thinks some portion of the time there were as many as 20 or more blacks on the ground

The crowd were not stationary - but were moving about & talking.

120

Being asked whether any one man could have seen or heard all that was done or said there - while he was on the ground

121

He answers - It would depend altogether on circumstances - He thinks it not likely that one man would have seen or heard every thing that was done or said there

Being asked whether he considered the ex-

56 olution offered by Mr Bond condolatory. or not.

He answers. He dont he does not.

Direct Examination resumed.

Being asked whether he knows whether the 3 Corporate boys. Cyrus Benjamin & John could read.

He answers they could read. were good readers when he began to teach them.

That part of the witness answer in relation to his teaching the boys is objected to & taken subject to objection. J. A Pingsbury

122

—"—

57

On the 3rd day of November

William W. Haskell being sworn to speak
12. the truth the whole truth & nothing
Wm. Haskell but the truth says. that he is 24 years
of age & upwards, resides in the village
of Marshall & has resided there for
8 years past & upwards. Knows
all the defendants in this suit - but
not the plaintiff — Knew Adam
Crosswhite & his family who resided
in Marshall in the winter of 1847.
Recollects the occurrence of an attempt,
said to have been made to take
123 them by some Kentuckians - in the winter
of 1847 - was on the ground when
the Crosswhites lived on that day
went there about 7 o'clock A.M.
Went there with his brother George, Mr.
Mitchell. Mr. Conant & others. His
brother George is now in Savannah,
in the state of Georgia, went there about a year ago —
Saw some Kentuckians or persons
said to be such there on the ground
when he got there. there were 4 of them
They were walking — There were there in
all at that time, some 30 or 40
people when he arrived — Saw defend-
124 ants Hurd, Gorham & Comstock
there, but some of them not there when he arrived —
Saw defendant Gorham as he thinks
when he got there — That is his impression
but cannot say for certain. — Recollects
conversation between Messrs. Gorham &
Troutman — Recollects Mr. Troutman

60

talking Mr. Gorhams name – Recollects Mr. Gorham telling Mr. Boutman he could not take his Corporate away. Recollects hearing some conversation between them before that. Recollects Mr. Gorham asking Mr Boutman what he was going to do then what his intentions was – On Mr. Boutmans asking for Mr Gorhams name. said him take it down –

Being asked. Whether after his name was taken down Mr. Boutman said any thing further.

He answers. That after taking his name. Mr Boutman asked Mr. Gorham. if he held him only responsable for what he said.

If witness recollects replied. Mr. Gorham answered him in giving by saying he did not.

About that time whether something about the law of 93. but can't say whether he heard that at this time Mr. Gorhams name was taken or that of Hurd or Comstock –

When Mr. Boutman asked Mr Gorham if he was responsible he also asked him if he meant, he Boutman should not take his Corporate Family – To which Mr Gorham answered he did not mean that or At this time this was said noticed Mr Carlisle was present – Heard something about talking Mr Gorhams responsibility, Heard Mr Gorham say during the same conversation to Mr. Boutman – I would be glad no one should attempt to take the Family for the – but let him do it – this was

61
127

they would not let him do it. this was the substance at least of what Mr Gorham said. might not be worded the same way.

Being asked whether he heard any thing more said between Mr Gorham & Boutwell on that occasion —

He answers he does not recollect hearing any thing more said between them but observed them in conversation at different times. besides in the above conversation that is he saw them in groups when remarks were made by several of the persons as well as themselves, but did not hear them in conversation at any other time between themselves only.

Residents being defendants counsel pray them at this time the names being taken — which they be thought they could not get the Corporators under the circumstances — that the people would not let them go. — Saw Mr. Hunt on the ground — Does not recollect hearing Mr Hunt say any thing to Mr Boutwell except to give his name. Might walk him on the ground near an hour — Is not certain that there was any of the Residents under ground when he left. thinks there was one — Then were several came down began — Saw Corporators & his wife there in the house about seven o'clock & soon after withdrew — Saw them but once — There was no attempt made to take them while he

129 was there — Saw the blackman Patter-
son when he came there — he was making
a good deal of noise — Saw some one [illegible] Mr. Graham
go to him & send him away —

Being asked whether he heard
Graham Hunt & Comstock speak
to the crowd or to individuals in it

He answers. He recollects hearing them
speak to individuals in the crowd, but
cannot recollect what they said

Did not hear any resolutions while
on the ground —

Being asked whether he would
have heard any resolutions offered there in
the crowd publickly & called out, would
you have heard them

He answers. He thinks he should
130 have heard them if offered while he was
there — as he was around in the midst of
the crowd —

Being asked whether if a resolution
had been offered while he was there in a
loud tone of voice to the crowd there
assembled & their attention called
to it — to the effect that the Kentuckians
could not take the [illegible] by moral
legal or physical force — whether he
should have heard it?

The question objected to and answer
taken subject to objection —

He answers. He thinks he should

Being ~~asked~~ asked whether he has any
131 doubt ~~[illegible]~~ that he should have heard it

The question is objected to & the answer
taken

He [illegible] He has not

is taken [illegible] with [illegible] & other [illegible]

He answer - He has not,

63 He did not hear such a resolution. There was some excitement in the crowd both among whites & blacks - thinks there was considerable excitement - When witness came away the crowd had begun to disperse & when he came away 2/3 of them he thinks had left - Thinks the excitement had subsided in a great measure when he left - There were but a few left to be exciting when he came away & thinks ~~he passed~~
132 Mr. Troutman started before he did - & when witness started he had got but a little ways when he met Mr Troutman who had turned & was coming back, or was standing still - about five rods from the gate as near as he can judge - the witness then came down into the village.

H. W. Haskell

13.
W.W. Smith The Examination having been adjourned till ½ past 6 oclock P.M of the said 6th day of November 1848.

William W. Smith - being sworn to speak the truth the whole truth & nothing but the truth says; That he had already been examined as a witness in this cause on the part of the plaintiff - He was on the ground at Crosswhites on the morning of the
133 27th of January 1847 when there was said to be an attempt to take off the Crosswhite family by some Ken-

Buckram & went up there in company with Wm Johnston Dr. Hays & Dr Bowman Clark - between 8 & 9 o'clock A.M. Saw W Faulkner there - & also 2 or 3 other Kentuckians - Dont remember seeing any other defendants there but Conklack - which remained on the ground he cant tell how long from 20 to 30 minutes - Did not hear any resolutions offered while he was on the ground -

134 Being asked whether he was in a situation to have heard any resolutions if any had been offered.

He answers. He was around there in the crowd.

He recollects Dr Conklack told Mr Faulkner he could not take the Corporation's morally legally nor physically - for he might know that by the appearance of the crowd

Being asked whether if a resolution had been offered which he was then in a loud voice calling the attention of the crowd. to this effect. Resolved that these Kentuckians cannot take the Corporation's by moral legal or physical force, whether he would have heard it.

135 He answers. He thinks he should

He heard no such resolution & is sure he voted on none.

He Gen came away from the ground with witness. Thinks shore & cutter hoped him on his way back.

Being asked whether there was much excitement on the ground when he left?

He answers that there was not. He did not see anything that that he thought worth stopping to see & came away. Saw no attempt while he was there to take the slaves.

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On his cross Examination

Being asked whether if Mr Foute had offered a resolution & while he was there & a vote taken on it would he have heard it?

He answers - He should.

Wm Foute

The Examination was then adjourned till 8 o'clock A.M. to-morrow Nov 7th at which time no witness appearing the Examination was suspended.

66

Circuit Court of the U.S.
for the Circuit & District
of Mich.

Francis Gilkinson
vs
Charles T. Gorham et al.

It is mutually stipulated by the parties that the depositions & the witnesses hereto annexed shall not be objected to for the want of any of the usual preliminary orders or notices.
Dated Nov. 8th 1848.

Jno Van Arman
Counsel for Defts
Pratt & Casey
for Pltff

named Witness before his Examination was taken was by me sworn to speak the truth the whole truth & nothing but the truth concerning the matters in difference in the above entitled Cause, and that on the Examination of each & every of said Witness the defendant Gorham or Mr Van Dorn as Counsel for the defendants was present, and that all the Examination of all of them except the direct Examination of Frederick A. Ringgold in part of W.m a. Wood Esqr on the part of the plaintiff. & Croft examined part of them as will more fully appear by the deposition of said Witness — And that the testimony of each of said Witness was by me reduced to writing & was signed by him in my presence after being first read to him. And that the reason for taking said depositions was that the Witnesses resided more than One hundred miles from the place of trial: and that I am not of Counsel or attorney for either of the parties to the said suit, nor am I interested in the event thereof

Dated Nov. 8. 1838

Geo. Woodruff

County Judge

Jackson Co. Mich

No. 1900.
Cir. Court of U.S.
for 7th Cir. & Dist. Mich.

Chas. T. Gorham & al
adv
Francis Gilton

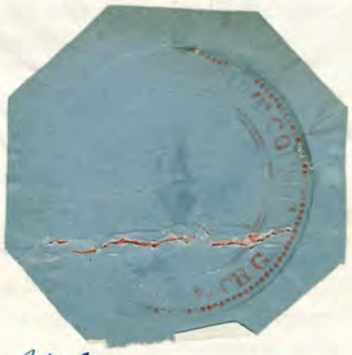
Depositions
Taken by
G. Woodruff
Co. Ju. of Cal. Co

136. fol. 13. writs.

Nov.
I certify that on this 10th
of ~~Sept~~ 1848 I recd the within
depositions from the Post
office in Detroit & on the
same day in open Court
I broke open & filed the
same Jn. Winder
Clerk

Witnesses
F. A. Kingsbury
T. Peck.
E. G. Squires.
W. A. Wood.
C. H. Howell
E. Gilbert.
O. P. Austin.
J. P. Beach
W. R. McCall
H. J. Perrin
W. W. Haskell
W. W. Smith

Circuit Court of the United States
for the District of Michigan



The President of the United
States of America,
To Alexander McLean, &
Baby, of Chatham
in the Province of Canada West
Greeting:

Know ye, that in confidence of your prudence and fidelity, the Circuit Court of the United States for the District of Michigan, have, by a rule entered on the records thereof, in a certain action in said Court depending between Francis Gittner Plaintiff and Charles F. Gorham, Oliver C. Comstock Simon, Jonis Heard, Plants Moss, William Parker, Charles Bryan and James Smith, impleaded with others are Defendants, and now at issue, nominated and appointed you or either of you, and give unto you or either of you, full power and authority to examine upon oath (or affirmation) Adam Crosswhite and Sarah Crosswhite, now of said Chatham in the Province of Canada West, witnesses to be produced sworn and examined on the part and behalf of said Defendants, upon certain interrogatories hereunto annexed; and to therefore Command you or either of you, that at a certain day and place, to be by you or either of you appointed, you do cause the said Adam Crosswhite & Sarah Crosswhite to come before you or either of you, and them and there examine them and each of them on their oath (or affirmation) first taken before you or either of you, (which oath or affirmation either of you may administer) touching the matters and things referred to in said interrogatories; And that you cause the examination of said witnesses to be reduced to writing, and to be

Subscribed by them. which examination is also to be certified by such of you as shall be present at the taking of the same, And when you shall have so taken the said depositions, you are to annex the same with any exhibits produced and proved before you, to this Commission, and to return the same into said Court according to the direction of this Commission. And you are in all things to be governed in the premises by Rule No. 62. (a Copy of which is hereto annexed of the Rules of said Court.

Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States this Fourteenth day of October in the year of our Lord One Thousand Eight Hundred and Forty Eight, and of our Independence the Seventy third.

H. Winder,
Clerk

Allowed by consent of parties

H. Winder,
Clerk

The above Commission to be returned by Mail

The Execution of this Commission appears by the depositions hereto annexed

A. D. McLean Commissioner

Copy of rule ~~forty-nine~~, referred to in the annexed commission.

Copy of rule ~~forty-nine~~ Sixty two, referred to in the annexed commission.

"The persons to whom such commission shall be directed, or any one of them, unless otherwise expressly directed therein, shall execute the same as follows:

First. They, or any of them, shall publicly administer an oath to the witnesses named in the commission, that the answers given by such witnesses to the interrogatories proposed to them shall be the truth, the whole truth and nothing but the truth.

Second. They shall cause the examination of each witness to be reduced to writing, and to be subscribed by him, and certified by such of the commissioners as are present at the taking of the same.

Third. If any *exhibits* are produced and proved before them, they shall be annexed to the depositions to which they relate, and shall, in like manner, be subscribed by the witness proving the same. (This section must be understood to refer to such papers as can be produced, upon the examination. If the paper referred to be a record, not subject to the control of the party or the commissioners, it will be sufficient to annex a copy, and the original may be produced on the trial, separate from the commission.)

Fourth. The commissioners, or commissioner, shall subscribe each sheet of the depositions, shall annex all the depositions and exhibits to the commission upon which the return shall be endorsed, and shall close them up, under their or his seals, and shall address the same, when so closed, to the clerk of the court from which the commission issued, at his place of residence.

Fifth. If there is a direction on the commission to return the same by mail, they, or he, shall immediately deposite the packet, so directed, in the nearest post-office.

Sixth. If there be direction on the commission to return the same by an agent of the party who sued out the same, the packet, so directed, shall be delivered to such agent.

Seventh. A copy of this rule must be annexed to every commission issued under these rules."

Further Instructions to the Commissioners—Mode of administering Oaths.

"The usual mode of administering oaths, now practised in this state, with the ceremony of holding up the hand, shall be observed in all cases, in which an oath may be administered by law, except as hereinafter provided:

When the court, magistrate, or other officer, before whom any person is to be sworn, shall be satisfied that such person has any peculiar mode of swearing, which is, in his opinion, more solemn or obligatory, than holding up the hand, they may adopt that mode of administering the oath.

"Every person conscientiously opposed to taking an oath, shall, when called on to take an oath, be permitted, instead of swearing, solemnly and sincerely to affirm, under the pains and penalties of perjury."

Every person may be sworn according to the peculiar ceremonies of his religion, if there be any such."—[Revised statutes of Michigan, part 3d, title II, chap. 4, sec. 7, 8, 9, and 11.]

The above instructions should be strictly pursued throughout.

The commission may be executed by any one of the commissioners without the others.

Administer the oath in the following form, if not objected to by the witness:

"You do solemnly swear, in the presence of Almighty God, that the answers given by you, to the interrogatories proposed to you, shall be the truth, the whole truth, and nothing but the truth—so help you God."

And in all cases certify the mode of administering the oath.

Prepare a caption to the deposition, as follows, viz:

Deposition of of
in the state of
aged years,
a witness, produced, sworn, and examined, on the
day of , A. D. 18 at
in said state of by virtue of a commission issued out of
the circuit court of the United States, ~~county, in the state of~~ Michigan,
on the day of , A. D., 18 and directed to us
(or me,)
or either of us, commissioners for the
examination of

witness in a cause depending and at issue in said court, between
plaintiff and
defendant on the part of said

Having read said commission, and the instructions thereto annexed, and having administered an oath to said witness, that the answers given by him to the interrogatories proposed to him should be the truth, the whole truth and nothing but the truth, I (or we,) proceeded to the examination as follows, viz:

of in the
state of aged and upwards, a witness produced, sworn, and examined on
the part of the in said cause, deposeth as follows, viz:

First. To the first interrogatory, that, he

Second. To the second interrogatory, the deponent saith,

Under this head, and in this manner, you will proceed with the examination of the witness on all the interrogatories (and cross-interrogatories, if any,) taking down the answer to each. You will yourselves ask such questions arising on the interrogatories, as you deem necessary, in order to elicit the whole truth. If there be one or more interrogatories, to which the witness cannot depose, knowing nothing of the matters therein contained, let the answer be as follows :

"To the interrogatory, this deponent saith, that he knows nothing and can depose nothing, to the matters therein contained." The witness must subscribe his name to the deposition when engrossed, and on the margin of each sheet the commissioners will also write their names. At the bottom of the deposition, after it is signed by the witness, commissioners will add their certificate in substance as follows :—

STATE OF
County of } ss.

On the day day of , A. D., 18 , then
in said county and state, personally appeared before us, and after having taken the oath prescribed in the instructions annexed to the commission mentioned in the caption to the above deposition, which oath was administered by and taken by said witness with uplifted hand, (*or by whatever other mode,*) declared that the foregoing deposition by him subscribed, contains the truth, the whole truth, and nothing but the truth ; said witness residing without the state of Michigan. The deposition was reduced to writing by
one of the commissioners, (or by a "disinterested person," in our presence) (or "by the witness himself.")

} *Commissioners.*

If any exhibits are offered and proved, add to the foregoing certificate as follows, to wit : "The paper writing hereto attached and marked as exhibit was produced and proved before us by the witness
as by reference to his examination may appear."

When you have gone through with the witness, and his deposition is engrossed and subscribed by him, you will annex the interrogatories and deposition to the commission with tape, the tie of which you will seal, and write and subscribe on the back of the commission the following return :

"The execution of the commission appears in certain schedules hereunto annexed.

} *Commissioners."*

When the whole is completed, and tacked together, as above directed, enclose it in a letter, or package, seal it and direct as follows, viz :

To John Winder Esquire,
Clerk of the Circuit Court, of the United States for
the District of Michigan. Detroit
Michigan

~~Michigan.~~

The within deposition of to be read in a cause pending before the Circuit Court of
was taken and sealed up by

} *Commissioners.*

In the Circuit Court of
The United States for
The District of Michigan

Charles T. Gilchrist, Erastus
Hurd, Oliver C. Comstock
& Impleaded with James Smith
and Others

ads

Francis Pettus

It is hereby stipulated that a commission may issue in this cause to Alexander McLean to take the testimony of Adam Crosswhite and Sarah Crosswhite, two of the fugitive Slaves named in the Plaintiff's declaration in said cause and who the Defendants propose to examine as witnesses on their part and behalf without regard to the ordinary course of proceeding required by the rules of this Court in relation to the issuing of commissions or the time of settling interrogatories - Provided however that the Plaintiff hereby reserves all legal rights that he might or could have had in any respect in case the

ordinary course prescribed by said rules had been pursued by said Defendants to sue out said commission

October 16. 1848

Pratt & Crary
Atty's for Plff.

Theo. Romeyn.
pr H. H. Emmons
attys for
the Defendants.

Interrogatories to be administered to Adam Crosswhite and Sarah Crosswhite on the part of the Defendants

1st What is your name? Where do you reside, and how long have you resided there? Do you know the Defendants Gorham, Hurd, and Comstock

2nd Did you reside at Marshall about the month of January 1847 and if so state what part the said Defendants or either of them took in the affray which took place when Francis Troutman and others attempted to seize you and your family as fugitive slaves. State particularly all you know concerning

the disturbances which took place on that day —

3rd When did you leave the ground and with whom? Did you then see the Defendants or either of them there and did you see them at any time afterwards before you left the Village? When did you leave the Village? Were either of the Defendants at your house or at any other place where you were, on the afternoon or evening succeeding the attempt to seize you? If so where were they, and when, and in whose presence did you see them? Did you see either of Defendants at the house of Mr Hacket on the evening or night on which you left Marshall? Had they been there, would you have been likely to have seen them?

4th Do you know of any other matter or thing which will tend to the benefit or advantage of the said Defendants?

Theodore Romeyn
per H. D. Emmons
Atty for Defts.

We hereby stipulate that the foregoing interrogatories may be attached to the commission; We however hereby reserve all legal rights of objection thereto for any cause whatever.

Pratt & Crary
Attys for Plff

No 1900 Circuit Court of
the U. S. for the District
of Michigan

Commission &c

In the case of
Francis Giltner
vs.
Charles T. Gorham
& al.

Pratt & Crary & Mr. Powell
attys for Plff
Mr. Emmons atty for Deft

Rec'd from the Pat
Office in Detroit
Oct. 21. 1848 and
filed same day in
Open Court
Jno Winder
clerk

In the Circuit Court of the United States for the Seventh Circuit & District of Michigan.

District of Michigan ss.

Plantus Moss, impleaded with Charles T. Graham, Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersol, Williams D. Rector, Hermon Camp, Rondall Dobort, Wilbur Parker, Charles Bergen and James Smith Defendants

vs

Francis Gittner Plaintiff

And the said defendant, Plantus Moss impleaded as aforesaid with Charles T. Graham, Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersol, Williams D. Rector, Hermon Camp, Rondall Dobort, William Parker, Charles Bergen and James Smith, by Wells & Cook his Attorneys, comes & defends the wrong & injury when &c, and says, as to the sixth and seventh counts of said amended Declaration, that he is not guilty of the said supposed grievances and to his charge in said counts of said amended Declaration, or any or either of them, or any part thereof, in manner and form as the said Plaintiff hath above thereof in said Counts of his said amended Declaration complained against him, and of this he the said

defendant puts himself upon the country &c —

And as to the said first Count of said amended Declaration, the said defendant, included as afore-said, by his said Attorneys, comes & defends the wrong and injury when &c. and says that the said first Count of the said amended declaration and the matters therein contained, in manner and form as the same are therein stated and set forth are not sufficient in law for the said Plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant is not bound by law to answer the same - And this he is ready to verify. Wherefore by reason of the insufficiency of the said first Count of said amended declaration in this behalf, the said defendant prays judgment and that the said Plaintiff may be barred from having or maintaining his aforesaid action thereof against him -

And the said defendant, included as aforesaid according to the form of the Statute in such case made and provided, states and shows to the Court here the following cause of demurrer to the said first Count

of said amended Declaration, that is to say:

First - There is no averment in said Count, in legal and traversable form that on the fifth day of August, A. D. Eighteen Hundred and forty three, the time of the alleged escape of the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite they were held to labor or service by the said Plaintiff, or were his slaves, and that he owned and held them in his custody and control -

Second - There is no averment in said Count, in legal and traversable form that on the ninth day of January A. D. Eighteen Hundred and forty three Seven, the said Plaintiff had any right to the labor and services of the said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia Crosswhite, or that they were then held to service or labor.

Third - There is no manifest repugnance in said Count in stating the time when the persons above named escaped into the Village of Marshall.

Fourth - It is not

overred in said Court in the proper entirety, and in traversable form when the said persons escaped into the Village of Marshall.

Fifth. There is no averment in said Count, in legal and traversable form, with certainty of time and place, of notice to the defendants that the said Adam Scott, John Anthony, Benjamin Franklin, Cyrus Jackson and Secretus Crosswhite were fugitives from labor.

Sixth. It is not overred in said first Count and does not therefrom appear nor is it therein shown with legal certainty, in what manner or by what means or agencies, the defendants rescued said prisons. The allegation is general that there was a rescue, without any specification of the particulars or means by which the rescue was effected, and is vague, unstechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh. It does not appear from said first Count, and is not therein overred or

known with legal certainty, in what manner or by what agency or means the defendants aided and assisted the said persons in making their escape.

Eighthly - There is no specification in said first Count of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which or under which this action is brought.

And for that said first Count of said amended Declaration is in other respects uncertain, informal and insufficient.

And as to the second Count of said amended Declaration the said defendant, implead as aforesaid, by his said Attorneys, comes & defends the wrong and injury when &c, and says that the said second Count of said amended Declaration, and the matters therein contained, in manner and form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his aforesaid action thereof against him, the said defendant, and that he, the said defendant is not bound by law to answer the same. And

this he is ready to verify. Whereupon, by reason of the insufficiency of the said second count of the said declaration amended in this behalf, the said defendant, prays judgment, and that the said Plaintiff may be barred from having or maintaining his aforesaid action thereof against him. And the said defendant, impleaded as aforesaid, according to the form of the statute in such case made and provided, for plea and cause to the Court here the following cause of demurrer to the said second count of the said declaration amended that is to say:—

First. There is no averment in said second count of said declaration, in legal and traversable form that on the eighth day of August A.D. eighteen hundred and forty three, the time of the alleged escape, that the said Adam Crosslite, Sarah Crosslite, John Anthony Crosslite, Benjamin Franklin Crosslite, Cyrus Jackson Crosslite and Lucretia Crosslite were held to labor or service by the said Plaintiff, or were his slaves, or that he owned or had them in his custody

out control -

Second - There is no overment in said Count in legal and traversable form that on the twenty sixth day of January A. D. Eighteen hundred and forty seven, the Plaintiff had any right to the labor or service of the said Adam, Sarah, John Anthony, Benjamin Franklin, Eyms Jackson and Susan-tia, or that they were then held to service or labor -

Third - There is a manifest repugnancy in said Count in stating the time when the persons above named escaped into the Village of Marshall -

Fourth - It is not overred in said Count, with proper certainty, and in traversable form when the said persons escaped into the Village of Marshall.

Fifth - There is no overment in said Count, in legal and traversable form, with certainty of time and place, of notice to the defendants that the said persons were fugitives from labor -

Sixth - It does not appear from said second Count, and is not therein overred or shown with legal certainty, in what manner, or by what offences or means, the defendant

rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means, and is vague, unstechnical and does not admit of a traverse or denial; and is not sufficient to inform the defendants of the cause of action or ground of Complaint sought thereto.

Seventh. It does not appear from said second count and is not therein averred or shown with legal certainty, in what manner or by what agencies or means, the defendant prevented the Agents of the Plaintiff from returning the said persons to the custody of the Plaintiff.

Eighth. There is no specification in said second count of any Statute of the United States, and no intelligible reference to any particular Statute, for a violation of which, or under which, this action is brought.

And for that said second Count of said declaration is in other respects uncertain, informal and insufficient.

And as to the third Count of said declaration, the said defendant, impleaded

of aforesaid, by his said attor=
=neys, comes and defends the
wrong and injury when &c. and
says that the said third count of said
Declaration amended
and the matters therein contained
in manner and form as the same
are therein stated and set forth,
are not sufficient in law for
the said Plaintiff to have or
maintain his aforesaid action
thereof against him, the said
defendant, and that he, the
said defendant is not bound
by law to answer the same. And
And this he is ready to verify.
Wherefore, by reason of the insuf=
=ficiency of the said third
Count of said Declaration amended in behalf
said defendant, impleaded as
aforesaid, prays judgment
and that the said Plaintiff
may be barred from having
or maintaining his aforesaid
action thereof against him &c.

And the said defendant,
impleaded as aforesaid, according
to the form of the Statute in such
case made and provided, states
and shows to the Court here the
following causes of Demurrer
to the said third Count of said
Declaration amended — that is to say:—

First — There is no over=
=ment in said Count, in
legal and traversable form

that on the fifth day of August, Eighteen Hundred and forty three, the time of the alleged escape, the said Adam Crosslite, Sarah Cross-lite, John Anthony Crosslite, Benjamin Franklin Crosslite, Cyrus Jackson Crosslite and Lucretia Crosslite were held to labor or service by the said Plaintiff or were his slaves, or that he owned or had them in his control or custody.

Second - There is no averment in said Count in legal and traversable form, that on the first day of December Eighteen Hundred and forty three, the Plaintiff had any right to the service of the said Adam, Sa-rah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third - There is no averment in said Count, in legal and traversable form, with certainty of time and place, of notice to the defendants, that the said persons were fugitives from labor.

Fourth - It does not appear from said third Count, and is not therein averred or shown, with legal certainty, in

what manner, or by what oppressities or means, the defendants hindered and prevented the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing without any specification of the particulars and means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth - There is no averment, in said third Count, in legal and traversable form, that on the twenty seventh day of January A. D. Eighteen Hundred and forty seven, the said persons were fugitives from labor, or that they had continued such from the time of the alleged escape, nor that on that day they were in Marshall.

Sixth - There is no specification in said third Count of any Statute of the United States, and no intelligible reference to any particular Statute for a violation of which, or under which, this action is brought.

And for that said third Count is in other respects uncertain, informal and insufficient.

And as to the said fourth Count of said amended Declaration, the said defendant, impleaded as aforesaid, by his said Attorneys, comes and defends the wrong and injury when &c, and says that the said fourth Count of said amended Declaration and the matters therein contained, in manner and form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his aforesaid action thereof against him, the said defendant, and that he, the said defendant, is not bound by law to answer the same. And this he is ready to verify. Wherefore, by reason of the insufficiency of said fourth Count of said amended Declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgement and that the said Plaintiff may be barred from having or maintaining his aforesaid action thereof against him.

And the said defendant

=pleaded as aforesaid, accor=
=ding to the form of the Statute
in such case made and pro=
=vided, states and shows to the
Court here the following
causes of demurrer to the
said fourth count of said
amended Declaration - that is to say: -
1

First - There is
no averment in said fourth
Count, in legal and traversable
form, that on the fifth day
of August A.D. Eighteen Hun=
=dred and fifty three, the time
of the alleged escape, the said
Adam Crosswhite, Sarah Cros=
=white, John Anthony Crosswhite,
Benjamin Franklin Cross=
=white, Cyrus Dorkson Cross=
=white and Lucretia Crosswhite
were held to labor or service by
the said Plaintiff, or were his
slaves -

Second - There is no aver=
=ment in said Count, in legal
and traversable form, that on
the tenth day of December A.D.
Eighteen Hundred and forty
three, the Plaintiff had any
right to the labor and service
of the said Adam, Sarah, John
Anthony, Benjamin Franklin,
Cyrus Dorkson and Lucretia
Crosswhite, or that they were then
held to service or labor, nor is

there such an averment in regard
to the twenty seventh day of Jan-
=uary A.D. Eighteen Hundred
and forty seven

Third. It is
not averred in said Count
with the proper certainty and in trave-
=rsable form, that the said persons
were fugitives from labor on the
twenty seventh day of January
A.D. Eighteen Hundred and forty seven.

Fourth. There is no
averment in said fourth Count,
in legal and traversable form,
with certainty of time and place
of notice to the defendants that
the said persons were fugitives
from labor.

Fifth. It does not
appear from said fourth Count,
and is not thereby averred or
shown, with legal certainty,
in what manner, or by what
offices or means the defen-
=dant interfered with, obstruc-
=ted or hindered the agents of the
Plaintiff in recovering and seizing
said persons. The allegation is general,
that the defendants interfered
obstructed and hindered, with-
=out any specification of the
particulars or means, and is
vague, untechnical and not
averring of a traverse or denial

and is not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth - There is no specification in said fourth Count of any Statute of the United States, and no intelligible reference to any particular Statute, under which, or for a violation of which this action is brought -

And for that said fourth Count is in other respects uncertain, informal and insufficient -

And as to the said fifth Count of said declaration the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury when &c and says that to the said fifth count and the matters therein contained in manner and form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his said action thereof against him, the said defendant, and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore, by reason of the insufficiency of the said fifth Count, the said

amended
Declaration in this behalf, the said
Defendant, impleaded as aforesaid,
may Judgment, and that the
said Plaintiff may be barred
from having or maintaining his
aforesaid action thereof against
him -

And the said Defendant,
impleaded as aforesaid, according
to the form of the Statute in such
case made and provided, states
and shows to the Court here the
following causes of Demurrer
to the said fifth Count of said
amended
Declaration: that is to say: —

First - There is no aver=
=ment in said fifth Count
in legal and traversable form,
that on the fifth day of August
A. D. Eighteen Hundred and forty
three, the time of the alleged Es=
=cape, the said Adam Crosslite,
Sarah Crosslite, John Anthony
Crosslite, Benjamin Franklin
Crosslite, Cyrus Jackson Cross=
=lite and Lucretia Crosslite
were held to labor or service by
the said Plaintiff, or were his slaves.

Second - There is no
averment in said Count in
legal and traversable form that
on the fifteenth day of De=
=cember A.D. Eighteen Hundred
and forty three, the Plaintiff

had any right to the labor and services of the said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia Crosswhite, or that they were then held to service or labor; nor that they were so held to labor or service on the twenty seventh day of January A.D. Eighteen Hundred and forty seven.

Third. There is no averment in said Count, in legal and traversable form, that on the twenty seventh day of January A.D. Eighteen Hundred and forty Seven the said persons were fugitives from labor.

Fourth. There is no averment in said Count, in legal and traversable form, with certainty of time and place, of notice to the defendants that the said persons were fugitives from labor.

Fifth. It does not appear from said fifth Count, and is not therein averred or shown, with legal certainty in what manner, or by what agencies or means the defendants obstructed the agents of the Plaintiff in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars

or means, and is vague, untechnical and not sufficient to inform the defendants of the cause of action or ground of complaint against them

Sixth - There is no specification in said fifth Count of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought -

And for that said fifth Count of said amended declaration is in other respects uncertain, informal, insufficient &c.

Wells & Cook
Attys, & of Counsel
for Deft Planter Moss

In the Circuit Court
Of the United States.
1900 District of Michigan.

Planter Moss
impleaded with
Charles T. Gorham
et als -
ats
Francis Giltner

Plea & demurrer
Of Deft Planter Moss
to "Amended Decl."

Filed September 30. 1847
Jno. Winder Clerk
By Geo. G. Bull deputy

Wells & Cook
for Deft. Moss

Deposition of Adam Crosbie late formerly of the State of Michigan in the United States of America but now of Chatham in the Western District of Canada Yeoman aged forty three years or thereabouts a witness produced, sworn and examined on the Seventeenth day of October, A. D. 1848 at Chatham in the Western District of Canada by virtue of a Commission issued out of the circuit Court of the United States for the District of Michigan on the said Seventeenth day of October in the Year of our Lord one thousand eight hundred and forty eight and directed to me and ——— Baby or either of us, Commissioners for the examination of Adam Crosbie ~~canada~~ Yeoman a witness in a cause depending and at issue in said Court between Francis Fitton Plaintiff and Charles J. Gorham, Oliver C. Comstock Junior, Jarvis Hurd, Plaster Mosse — Williams Parker, Charles Borgon and James Smith impleaded with others defendants on the part of said defendants — Having read said commission and the instructions thereto annexed and having administered an oath to said witness, that the answers given by him to the interrogatories proposed to him should be the truth, the whole truth I proceeded to the examination as follows, viz;

Adam Crosbie Yeoman

Adam Cofsrolite of Chatham in the Western District of Canada Yeoman maketh oath and saith he is aged forty three years or thereabouts, a witness produced, sworn, and examined on the part of the defendants in said cause deposeth as follows, viz: To the first interrogatory he the deponent saith that his name is Adam Cofsrolite and that he has resided in Chatham aforesaid about one year and seven months, and that he knows the defendants Gorham, Hurd and Comstock ——— To the second interrogatory he the deponent saith that he did reside at Marshall about the month of January 1847 that on a Wednesday morning in the same month as near as this deponent recollects about daylight deponent was occupied feeding his chickens at the back of his house in Marshall and hearing a noise as if his door was falling in went to the front door of his house and there found that it had been broken in on the deponent suppose by Francis Frontenac and David Eitter who this deponent found in the house, the following conversation then took place between the deponent and the said Francis Frontenac and David Eitter, the deponent asked them what they wanted in his house and why they broke it in, they replied

Adam Cofsrolite
Examined

that they pumped against the door and it not giving way they broke the hinges and got in the house by pushing against the door, they then said that they wanted to take deponent to trial and would give him a fair trial, deponent said he would go and stand a trial at the usual Court hour but not at that time of the morning, they then said they would by force take deponent and his family, and sent for a waggon to take this deponent and family away by some person who came with them with two other persons deponent thinks one Lord went for the waggon and Frontman and Gilliss said they would have taken deponent and family at two O'Clock in the morning could they have got a waggon to do so they then proposed to take the children of deponent and wife and said they would leave deponent and wife alone if their consent should be obtained and take the children only, deponents answer to this was that he would die before they should have either of the children - deponent ordered Frontman and Gilliss out of his house also three others men who came with them, they all went out but Gilliss who sat down and while Gilliss was so seated Frontman returned to the house, while Gilliss was sitting down he cried and shed tears or apparently wept, and upon

S. Hall Young
Examinations

deponent telling Giltner that he would see what the law would do with him and the others who had broke into his house, Giltner said that if deponent would leave them ~~Giltner~~ alone, then that they ~~Giltner~~ would go away and leave deponent and his family alone deponent then informed the parties before mentioned in the house that he would go to Squire Shermans' and see if he could be brought to a trial without authority by a Frontenan or Giltner or words to that effect, and also said to them to send some one with deponent if they were afraid he would not come back - the Deputy Sheriff then Mr Dixon went with deponent to Squire Shermans and afterwards the Deputy Sheriff and deponent returned to deponent house together, when the Deputy Sheriff after arriving at the house told deponent he had nothing more to do with deponent - deponent saith that before going to Shermans he did not see any of the white defendants on the ground, on his return to his own house deponent only recollects seeing Hurd and Comstock two of the white defendants who did or said nothing in the affray or matter as this deponent could observe, deponent saw on his return to his own house as aforesaid all the colored defendants

A. H. Seeley
Commissioner

two of whom Plenter Ross and Charles Bergen threw their coats off on seeing Fountain hastily drawing a pistol from his pocket and returning it again deponent asked Ross and Bergen why they had their coats off they replied that Fountain having threatened to shoot them and they intended to get him for it, when deponent said "don't have no fighting" we will catch him (meaning Fountain and take the pistols away from him -

To the third Interrogatory deponent saith - that he left the ground about fifteen minutes after returning to his house with the deputy Sheriff as aforesaid by himself for the purpose of getting a warrant, and did not go back when deponent left the ground he saw Comstock and Hurds there but has no recollection of seeing Forhan there, deponent thinks all the colored defendants were on the ground when he left it, deponent thinks he saw all the defendants during the afternoon of the day of the disturbance before he left the village - Deponent does not know whether any of the defendant were at his house (not being there himself) on the afternoon or evening succeeding the attempt to seize him, deponent saw Mr Hurd one of the said defendants at the Court House on the said evening, does not remember seeing Mr Forhan on said evening except

U.S.M.C. Texas
Commissioners

through the window at his office as he was passing - deponent saw all the other defendants the said afternoon in different parts of the village, where exactly he cannot at present particularize and cannot tell in whose presence he particularly saw defendants - deponent saw none of the white defendants at the house of Mr Hackett on the night deponent left Marshall, had any of the white defendants been at Hackett house that night before deponent left deponent thinks he would have seen them, deponent saw Plante Mann and thinks he saw Bergen at Hackets that night

To the fourth interrogatory deponent saith that he believes the presence of the ~~white defendants and other~~ white on the ground had the effect of preventing bloodshed, as the colored people had determined to prevent a capture of deponent and his family if possible having heard that they were to be seized as slaves the night previous to the disturbance, deponent commenced his suit against those who broke into his house of his own accord without any advice from the white defendants or either of them or consultation on their part - that deponent employed his counsel and paid him for his services without any advice or assistance from the white defendants, and that he never received any money or thing from the white

A. W. Dean
Commissioner

white defendants directly or indirectly for the purpose of expediting or assisting deponent and family to escape from Marshall, deponent further saith that he never had any dealings or transactions of any kind or nature whatsoever either directly or indirectly with the defendant Topham and that he never heard any conversation with any of the white defendants about leaving Marshall — that no resolutions were passed on the ground

A. D. McLean
Commissioner

Adam X Crosswhite
mark

Western District } On the Seventeenth day of
County of Calhoun } October A.D. 1848 then in the
Town of Chatham and Home Western
District of Canada Adam Crosswhite
personally appeared before me, and
after having taken the oath prescribed
in the instructions annexed to the Com-
mission mentioned in the caption to the
above deposition, which oath was admin-
istered by me and taken by said witness
on the bible, sworn and deposed and
declared that the foregoing deposition
by him subscribed, contains the truth
the whole truth and nothing but the
truth; said witness residing without
the State of Michigan. The deposition
was reduced to writing by me Alexander
D. McLean one of the Commissioners

A. D. McLean
Commissioners

A. D. McLean } Commissioner

I certify that all the interlineations
in the above deposition were first made
and sworn to before the making of the
deposition. A. D. McLean Commissioner

Deposition of Sarah Copsolute formerly of the State of Michigan in the United States of America but now of Chatham in the Western District and wife of Adam Copsolute aged about forty nine years a witness produced, sworn and examined on the Eighteenth day of October A. D. 1848 at Chatham in the Western District of Canada by virtue of a Commission issued out of the circuit Court of the United States for the District of Michigan on the said Eighteenth day of October in the Year of our Lord one thousand eight hundred and forty eight and directed to me and ——— Baby or either of us Commissioners for the examination of Adam Sarah Copsolute a witness in a cause depending and at issue in said Court between Francis Gilbert Plaintiff and Charles T. Gorham, Oliver C. Comstock Junior, Lewis Hunt, Planter Hoyt, William Parker, Charles Bergen and James Smith, impleaded with other defendants on the part of said defendants — Having read said commission and the instructions thereto annexed and having administered an oath to said witness that the answers given by her should be the truth, the whole truth I proceeded to the examination as follows

Wm. D. McLean
Commissioner

By

Sarah Crofsvlite of Chatham in the Western District of Canada wife of Adam Crofsvlite of the same place Yeoman aged forty nine years or thereabouts a witness produced sworn and examined on the part of the defendants in said cause deposeth as follows, "viz" - To the first Interrogatory the the deponent saith that her name is Sarah Crofsvlite and that she has resided in Chatham aforesaid about one year and seven months and that she knows the defendants Gorham Hand and Comstock -

To the second Interrogatory the deponent saith that she resided at Mendall about the month of January 1847 and that she does not know that either Gorham Hand or Comstock took any part in the affray - deponent further states that in the said month of January 1847 early in the morning on a Wednesday deponent believes the door of her and her husbands house was violently broken open by one Francis Fortunen and Daniel Eitter who then came in the house with Jim Dixon the Deputy Sheriff and two other men who endeavored to take this deponent her husband and family to Sydenham trial as they said; deponent said she would not go to trial with them or allow her children to go, for she would die first ~~attempt~~ they offered to get a waggon to take her with her

A. Blue Esqr. Commissioner

family & trial but deponent persisted in not going if they did bring a waggon after a good deal of conversation Gilton sat down and cried and said if deponent would give up the children, they would not take deponent and her husband away, but leave them alone deponent refused however to give up the children, saying to Gilton that they knowing her former owners had the best part of her life at their service and she intended keeping her children to take care of her in her old days— after some people came round the house Frontman, Gilton, and the three other persons who accompanied them went out of the house, and tathered together and no other attempt was made by them that this deponent knows of to take this deponents family away —

4th the third interrogatory deponent saith that between nine and ten O'Clock on the said Wednesday morning she left the ground in company with Mr Hackett and Mrs Read, — deponent then did not notice any of the defendants at the time she left the house, but saw them a little while before and did not see any of the white defendants at any time afterwards before she left the village, deponent saw Messrs Bergen before she left the village at Hackett — deponent left the village the night of the said Wednesday after the occurrence — deponent further

Sworn & Subscribed before me Commissioner

saith that she does not know if any of the defendants were at her house on the afternoon or evening succeeding the attempt to seize her, deponent however can name some of the colored defendants at Hacketts on the said afternoon, in presence of Mr Hackett and others whom this deponent does not know recollect — deponent thinks if any of the white defendants had been at Hacketts that afternoon or evening she would have seen them —

To the Fourth Interrogatory, deponent saith that all her family had left her house and the ground ~~before~~ some time before she left with Hackett " and that John her son had left the house some time before quite in the early part of the affray and that no resolution was passed on the ground in her presence

her
Sarah X Crofoote
mark

A Mc Lean
Commissioner

Canada
Western District } On the Eighteenth day of
to Wit } October A. D. 1848 then in the
Town of Chatham and said Western
District of Canada Sarah Crofoote
personally appeared before me
and after having taken the oaths
prescribed in the instructions an-
nexed to the Commission mentioned
in the caption to the above deposition
which oath was administered by
me and taken by said witness on

on the bible, sworn and deposed and declared that the foregoing deposition by her subscribed contains the truth the whole truth and nothing but the truth, said witness residing without the State of Michigan — The deposition was reduced to writing by me Alexander A. McLean one of the Commissioners

A McLean Commissioner

I certify that all the interlineations in the above deposition were first made and sworn to before taking the deposition

A. A. McLean
Commissioner

A McLean
Commissioner

Circuit Court of the U S for
the 7th Circuit & Dist of Mich.

Charles T. Graham & others
ads
Francis Gellner

Paper within referred to
as marked A
G. Woodworth
Cmsr. &c.

State of Michigan
County of Calhoun ss. I Charles T. Graham one of the
Defts in the above entitled suit being duly sworn
deposes & says that Calvin Blackett
Cornelius Lovell. Ransom E. Wadd. Asa
Robinson. Wm J. Penn. Truman S. Hewitt
Dennis Bunnell. J. N. Pettingill. William
Johnston. Claudius Webster. Isaac (Col
man) Robert Knapp ~~William~~ Augustus
Bunnell
are material witnesses for the Defendants in said
as he this deponent is advised by his counsel &
firmly believes without whose testimony they cannot
proceed safely to the trial of said cause and
this deponent further says that all of the said wit-
nesses reside in the said County of Calhoun & more
than one hundred miles from the place where
said cause is to be tried

And this deponent further says that the
Plaintiff in said cause resides in the State of
Kentucky about 300 miles from where the testimony of said witnesses
& the Defts reside in the said County
of Calhoun & State of Mich. & also that Abner
Pratt & Isaac E. Crary the attorneys for the Plain-
tiff in the said cause reside in Marshall in the
said County of Calhoun within less than one
mile of the Place where said testimony is
to be taken

Subscribed & sworn this
3d day of Oct. 1848 before me
G. Woodworth Comsr. Mich.

Chas. T. Graham
Calhoun Co. Mich.

Circuit Court of the United
States
for the 7th Circuit & District
of Michigan

Charles T. Gorham &
others
ads
Francis Giltner

Let Calvin Hackett
Cornelius Conant
Ransom E. Hall
Arza Robinson
H. J. Perrin Prentiss S. Hewitt, Dennis
Bunnel J.W. Pettingell, William
Johnston Claudius Webster Isaac
a colored man) Robert Cross
(& Augustus Bunnel, and Alvin B. Hurd the witnesses
named in the within affidavit be ex-
amined de bene esse before me accor-
dingly at my office in the village of
of Marshall in the County of Calhoun
on the fifth day of October 1848 at
nine o'clock in the forenoon that one
days notice be given to Messrs Pratt
& Brown the attorneys for the said plain-
tiff -

Dated Oct. 3d. 1848

G Woodruff
County Judge Calh
Co. Mich.

Circuit court of the U.S.
for the 7th Circuit & Dist of Mich^n

Charles T. Gorham & others
ads
Francis Gilten

Paper within refered
to as marked B.
Geo Woodruff
County Judge

State of Michigan
County of Calhoun Ss: Charles T. Gorham of of the Defts, in the above entitled suit being duly sworn deposes and says that John W. Crandall Zopher Sidmore Theodore Stebbins, John Nichols, Abner Baker, Andrick Kingsbury, Lansing Kingsbury Henry Hahn George ~~Hakmer~~ Watson S. J. D. Harris, & Nelson Clarde George Hartwell & Edwin R. Mills Ira H. Ellsworth & are material witnesses for the defendants in said suit as he this deponent is advised by his counsel & verily believes without whose testimony they cannot safely proceed to the trial of said cause; And this deponent further says that all of the said witnesses reside in the counties of Eaton Calhoun Branch ~~or~~ or Kalamazoo in the State of Michigan and all of them more than one hundred miles from the place where said cause is to be tried

And this deponent further says that the Plaintiff in said cause resides in the state of Kentucky about 300 miles from Marshall Mich^n (where this deponent proposes to take the testimony of said witnesses) that all of the defendants reside in Calhoun County Mich^n and also that Abner Pratt & Isaac E. Crary Esqrs the Pltffs attys reside in the said village of Marshall & less than one mile from the place where said testimony is to be taken — Sworn & subscribed this 6th day of Oct. 1848 before me Geo Woodruff. County Judge Calh. Co. Mich

Chas T. Gorham

The Circuit Court of the U.S.
for the 7th Circuit & District
of Michigan.

Charles T. Gorham et al.
adv.
Francis Giltner }

Let John W. Crandall, Zopher Sidmore, Theodore Stebbins Alpn. Nichols, Abner Baker, Frederick Kingsbury, Lansing Kingsbury, Henry Hatom ~~[illegible]~~ Geor Watson S. D. Harris George Church & Edwin R. Mills Ira H. Ellsworth & Nelson Nascall, the witnesses named in the within affidavit be examined de bene esse before me accordingly at my office in the village of Marshall on the ninth day of October instant at eight o clock in the forenoon, and let one days notice be given to Messrs Pratt & Bray the attorneys for the Plaintiffs of such examination

Geo. Woodruff
County Judge
Calhoun Co. Mich

Circuit Court of the U.S. for the 7th Circuit & Dist of Mich.

Charles T. Gorham & others
ads
Francis Gillett

Paper mitm referred to as master C.
Woodruff
County Judge

You are hereby notified that Nelson Clapsaddle, John W. Verandall, Zaphn Sidmore, Theodore Stebbins, John Nichols, Abner Baker, Frederick Kingsbury, Lansing Kingsbury, Henry Kahn, George Watson S. D. Harris, & Geo. Haskell & Edwin R Mills will be examined de bene esse before me at my office in the village of Marshall on the ninth day of October inst. at eight o'clock A.M. as witnesses for the above named defendants according to an act of Congress in such case made & provided, at which time & place you are entitled by law to be present & put interrogatories to said witnesses

Oct 7th 1848.

To Pratt & Gray Esqrs
Attys for Pff

(Signed) Woodruff
County Judge
Calhoun Co. Mich.

State of Michigan
County of Calhoun ss: John Van Arman of said County being duly sworn deposes and says that he this deponent did on the evening of the seventh day of October inst serve the notice ~~a copy~~ of which the within is a true copy on the Pleffs attys Pratt & Crary Esqrs by delivering the said notice to ~~Abner Pratt~~ Isaac E. Crary one of the members of said firm.

Jno, Van Arman

Subscribed & sworn
before me this 9th day
of Oct. 1848.
G. Woodruff
County Judge
Calhoun Co.

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ircuit & Dist of Mich.n

es F. Gorham & others
ads
as Giltner

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Circuit Court of the U.S. for
the 7th circuit & Dist of Mich.

Charles T. Gorham & others
ads
Francis Giltner

Paper within referred
to as marked D.
G Woodruff County
Judge &c

You are hereby notified that Calvin Hackett, Cornelius Covert, Ransom E. Hall, Arza Robinson, H. J. Perrin, Prentiss S. Hewitt Dennis Bunnell J. W. Pettingill William Johnston Claudius Webster, Isaac (a coloured man) Robert Cross & Augustus Bunnell will be examined <u>de bene esse</u> before me at my office in the village of Marshall on the fifth day of October instant at nine o clock a m as witnesses for the above named defendants according to an act of congress in such case made & provided; at which time & place you are entitled by law to be present & put interrogatories to said witnesses

Oct. 3. 1848

To Pratt & Craig Esqs
Attys for Pltff

(signed) G Woodruff County
Judge Calhoun Co
Mich.

State of Michigan

County of Calhoun ss. John VanAmman of the said County being duly sworn says that he this deponent served a notice of which the within is a true copy on Orson Pratt & Cram the attys for the Plff in said cause on the third day of October instant in the evening of said day by delivering the same to Orson Pratt Esqr one of the members of said firm of Pratt & Cram

John Vanamman

Sworn & subscribed
before me this 3d day
of October 1848

Geo W Peck
County Judge Calhoun Co

Be it remembered that on the 3d day of October in the year 1848. at Marshall in the County of Calhoun and State of Michigan personally appeared before me County Judge for said county. Charles T. Gorham one of the defendants in a certain cause now depending in the Circuit Court of the United States for the District of Michigan in. wherein Francis Gillett is plaintiff and the said Charles T. Gorham & others are defendants and made oath that Calvin Hackett Cornelius Comstock, Ransom E. Hall Argo Robinson, N. J. Perrin, Prentiss S. Hewitt Dennis Bunnel. Jr., Pelton gee William Johnston. Claudius Webster Isaac (Col.d man) Robert Crapp Augustus Bunnel were material witnesses for the defendants in said suit and without whose testimony they could not proceed safely to trial of said cause as said defendant was advised by his counsel & that all of said witnesses resided in the said County of Calhoun & more than one hundred miles from the place where said cause was to be tried & and that the plaintiff in said suit resided in the State of Kentucky about 300 miles from where the testimony of said witnesses was to be taken & that the defendants reside in the said County of Calhoun and State of Michigan and also that Abm Pratt & Isaac E. Crary the attorneys for the plaintiff in the said cause reside in Marshall in the said County of

Calhoun within up them one mile of the place when said testimony ought be taken —

And also that the said Charles P. Gorham also appeared before me on the 6th. day of October A.D. and made oath that John W. Crandall Joshua Sidmon Theodore Stebbins. Allen Nichols Abner Baker. Frederick Kingsbury Landin Kingsbury — Henry Hahn George Watson S.D. Darius Nelson Church Edwin R. Mills. Ira N. Ellsworth and George Haskell were material witnesses for the defendants in said suit as he the said deponent was advised by his counsel and verily believed without whose testimony they could not safely proceed to the trial of said cause and that all of said witnesses resided in the Counties of Eaton Calhoun Branch or Kalamazoo all of them more than one hundred miles from the place when said cause was to be tried. and also that the residence of the plaintiff and of his defendants and of the attorneys for the plaintiff were as stated in the pleadings & statement under oath.

And I was requested on behalf of the said defendants that the said witnesses might be examined according to the directions of the act of Congress in such case made & provided — Whereupon I ordered that the said witnesses named in the last said above enumerated should be examined de bene esse before me

at my office in the Village of Marshall aforesaid on the 5th. day of October 1848 at nine o'clock A.M. & that one days notice should be given to Messrs Pratt & Bragg the attorneys for the said Plaintiff - And further ordered that the witnesses named in the list secondly above mentioned should also be examined before me at the place aforesaid on the 9th day of October. 1848 at 9 o'clock A.M. and that one days notice should be given to the attorneys for the plaintiff above named. and I having satisfactory proof that such notice had been given and as well the said defendants Gorham Bond & Comstock by W. Van Arman their Counsel as the said Plaintiff by his Counsel W. Pratt. appearing before me at the place aforesaid on the 7th day of October 1848. with the mutual assent of said Counsel I have thereupon proceeded with the said Examination. anticipating the day named in said Order.

The affidavits orders & notices above referred to are hereto annexed and marked respectively A. B. C. & D.

On the 4th day of October 1850

The said Isaac Jacobs described in the annexed order as a coloured man, being sworn to speak the truth the whole truth & nothing but the truth. Says — His name is Isaac Jacobs — is twenty six years of age upwards. resides most of the time at Kalamazoo is in the employ of the Stage company resided at Marshall in January 1845 in the employ of C. Count. had then resided in Marshall at that time about four years knows the defendants in this suit. but not the plaintiff — knew Adam Crapholite a coloured man & his family residing at Marshall in January 1845 — Recollects Dan Kentuckian coming to Marshall in that month & making an attempt to take the Crapholites — Knew of the Crapholites leaving Marshall on the night after the attempt to take them. They left between 9 & 10 o'clock P.M. — They went in a carriage & team belonging to Wm W. Smith. Which procured the team for them & drove the carriage away with them. The white defendants had nothing to do with their going away to his knowledge they had used endeavours to learn on the subject —

Crapholite requested him to get the team. The question to which the statement as to Crapholites request to get the team is an answer is objected to & the answer taken subject to the objection

Isaac

Neither of the white defendants paid any thing or contributed any thing towards getting the team or helping away the Crapwhites to his knowledge. Did not to his knowledge see either of the white defendants the night of the Crapwhites going away. Took the Crapwhites from the stone mill. Was at Packetts house that night before 9 o'clock a little after dark. was then a number of times off & on. was there word of the town during the evening. Saw none of the white defendants there. Isaac his X Jacobs mark

On the 4th day of October 1848

Calvin Packett being sworn on the part of the defendants. to speak the truth the whole truth & nothing but the truth. says he has already been sworn as a witness on the part of the plaintiff. Recollects the morning an attempt was made to take away the Crapwhite family. on the 27th day of January 1847. was there at Crapwhites house about seven oclock in the morning of that day. John B. White Simon Davis & whites son went with him, perhaps White came a few minutes later. Found two men standing in the door. Trautman was one of them. thinks the other was Gillnee. did not go in the house. Mitnich went up to the door. and asked Trautman what was the trouble, what

what was the matter wheating it several times & Troutman ordered him to stand back. Witness heard some person swearing inside the house. Being anxious to learn what was going on there, put his hand on the door post & looked forward in order to see within as witness leaned forwards to look in Troutman drew a pistol on him, Thinks Troutman took his pistol out of his pocket with his left hand & changed it into his right hand. & then apparently with his thumb on the lock, raised the pistol to a horizontal position & pointed towards witness. Witness then immediately turned round & came off. Troutman said something to witness at the time of thus holding the pistol towards him, but he cannot recollect what it was. Witness came directly down to the village with a view to get counsel and a warrant for Troutman for drawing the pistol. Did not see either of the defendants before getting the warrant. It was between 9 & 10 o'clock when witness returned to the ground There were a large number of persons on the ground when he returned to but of not now. Thinks he went alone the second time. Saw Patterson when he came up to the ground with a sword belt & gun. Thinks Mr. Gov.

Defts

Hackett

name was then when he got there the second time. Saw defendant Condlock there but thinks he did not see him when he arrived just arrived at his second time - and that he did not see Condlock when the latter arrived - Saw Mr. Reed also on the ground. Did not hear any persons give their name on the ground - Thinks he witness, did not stay there more than from 20 minutes to half an hour - Heard no resolutions - Thinks he would have heard them if any had been put while he was there - Heard no conversation between the defendants and Frontman - Saw Mr. Gorham go to Patterson & take hold of his horse head - told him to go away & not make such a noise - Did not hear any of the white defendants make any statements to the crowd did not hear any of them say any thing & cant what Mr. Gorham said to witness -

Question by defts Counsel

Did any of the defendants say any thing to you about keeping the Colored persons there in the crowd peaceable -

Objected to. And answer taken subject to objection -

He answers. They did - Mr. Gorham did so.

Question by defts counsel what did he say to you

Objected to by Pltffs Counsel & answer taken subject to objection

He answers - He told witness to

go to the Coloured persons who were there
& bid them not to make any noise
nor any fuss on the ground - Witness
left them after 10 o'clock or about 10. Some
of the crowd had then left - he left before
the crowd dispersed - saw white he was
on the ground the second time Mr. Cropholes
standing in the door - There was some noise
on the ground, mostly of a joking & laughing
& did not see any that were very boisterous, some
were a little boisterous but not over & above.
It is his opinion that if any force had been
used by the Reductionists to take away the Cropholes
whites that there would have been
not have interfered because he thinks there would
have been no occasion. for the Coloured people
would have taken care of that themselves -
He judges this from his knowledge of them
and their spirit - The whites did not appear
like interfering with any thing of that kind,
did not see them exhibiting that spirit while
he was there - saw none of the whites have any weapons
saw no attempt made to take
the Cropholes family while he was there -

Question by defendants Counsel

Do you remember any conversation between
Tommy Cook & Gorham in the afternoon
of the above described affair - about the
Cropholes going away & if so what
was it -

Objected to by Reps Counsel &
unmountaken rejected & objection -

He answers - There was something
said, between him & those individuals on that after

noon on that subject — Mr. Cook & Mr Gorham came to witness in the street near Mr. Dobbles store & ~~saw~~ & asked witness if he thought Crosswhite was going to leave town? & said they hoped he would not & requested witness to go to Crosswhite & advise him not to go. as there was no occasion for his going away

Calvin Hackett

On the 4th day of October 1848

Arza C. Robinson being sworn to speak the truth, the whole truth & nothing but the truth. says — That he is 38 years of age & upwards & resides in the village of Marshall & has resided there for 12 years past. Knows the defendants in this suit but not the plaintiff — Knew the Crosswhites a colored family who formerly resided at Marshall — recollects the occurrence of an attempt said to have been made to take them away as fugitive slaves — It was in January 1847. the 27th day of January. was at the place where Crosswhite lived on that day — went there about 9 o'clock A.M. — Nelson Church went along & he [illegible] Mr. Gorham & some others — Staid there, he thinks, an hour or more: the crowd had not all

left when he came away. There were perhaps
150 people there when he was hustled
more up - saw some strangers there
who were called Kentuckians - Mr.
Troutman - a man with a glass Eye.
Called Lee - a short man. called
Gilmer - might have been another -
When he got there. the people were talking
in knots about - Mr. Troutman was stand-
ing in the yard talking with somebody
When which party got within 2 or 3
rods of the yard - Mr. Troutman came
out of the enclosure & met them -
Conversation commenced immedi-
ately between him & Mr Gorham
Can't say which commenced it -
Did not see any of the Constables at
that time - Mr. Gorham asked Trout-
man what he was there for. What his
business was - Troutman answered
he came there to take away his
slaves - Mr. Gorham says You
Can't take them - Then were a few
more words passed & the name mis-
spoke. and then Mr. Troutman called
for Mr. Gorhams name. He gave
him his name - Gorham said some-
thing about his putting it down
there in Capital letters. Then
Troutman there says. You say
I shant take them! Gorham
replied - I say no such thing
as he was about putting down the name

referred to the crowd - & said in substance you see by the state of feeling here in the crowd ~~[illegible]~~ it is impossible to take them - In the course of the conversation whether before or after this - Troutman said either that he did not care about getting the slaves if he could get his pay for them - or said, that he wanted to get either the slaves or the pay for them - thinks it was the latter words he used - Thinks he asked for Gorhams name twice & wrote it down. Troutman said in this conversation he wanted to take the slaves before a Justice. Gorham replied, it would be of no use. Thinks he saw defendant Comstock on the ground; dont recollect Lewis Comstock when he came up - Did not hear any conversation between him & Troutman - & did not hear him give his name - Witness very soon after Gorhams name was taken, ~~witness~~ left that group & went into the house. Found Crosswhite & thinks all his family there saw his wife & some of his children - cant say whether all - Saw no attempt made to take them - Saw the negro Patterson come up there with a bell on horseback, this was after witness came out of the house & some time after he came on

to the ground - Patterson made a ridic-
ulous flourish when he came up. & many
of the crowd laughed - & Mr Boutman
seemed to Enjoy it as much as any
one - Some one went to Patterson
shouted his horse's head away. Struck
it over Gorham - but it not pos-
itive - Did not hear any resolutions
on the ground - Was in a situation
to have heard any resolutions except
when in the house - could not have
heard them while in the house
Thinks he was in the house more than
once - but did not stay in any great
length of time at any one time -
The majority of the crowd was out
side the fence - they were out and
in - For the last half hour while he
he was out doors - If any resolutions had
been offered calling general attention during
the last half hour he was there he would
have heard - Some persons were con-
siderably excited then - those persons were
not numerous - The most of the crowd
were talking about the matter of the
Corporation - The disputants did not appear
to be very much excited - had been collected
and cool - Mr Gorhams manner while
talking with Boutman was not violent
but cool & collected - Recalled Mr Hurd
being there in the yard talking in his usual manner
& occasionally threw in a laugh - but was

not recollect any words he used. Don't recollect any other conversation between Mr. Gorham & Mr Trautman - Witness left the group when they were while they were still in conversation - My impression is that the reason given by Gorham ~~was~~ for it being of no use for Trautman to take the Crapsolites before a Justice was the feeling that was manifested on the Subject - Witness left the ground when the Witness Hackett went away with Mr. Crapsolite - The crowd was then dispersing - a good many were leaving at the same time. Think the Salesmen were then about all gone. He came immediately down to the Marshall House. & saw One or two of the Resolutions then on his arrival - Did not hear any one speak of resolutions having been passed nor speak of resolutions in any way, while he was on the ground -

On Cross Examination he says - Has no recollection of Gorham saying when he gave his name to Trautman. to bear it back to Kentucky, the land of slavery - He might have said so - Witness left, perhaps, half the crowd when he came away. All he recollects is the crowd seemed to be dispersing - a good many went with him - & others were going off in different directions, & the last time

of his leaving the Court House talking and [illegible] there was no great excitement on the ground. While witness was on the ground there was a good deal of feeling manifested by the crowd in relation to the attempt to take the Corporates away. Don't know that there was any alteration in regard to that feeling at the time he left.

Question by Pltf Counsel.

Do you not know as a fact, that the defendants were opposed to the Kentuckians taking the Corporates away!

Objected to by defts counsel & answer taken subject to objection

Ans answer - He presumed they were opposed to it. from their appearance. Thinks the majority of the people there were also opposed to the Corporates being taken away. There was considerable excited feeling in the town - Kept up during that day & evening on the subject of them being taken away. There was a good deal of talk about it.

Don't recollect hearing any of the defendants Hurd, & Comstock or Gorham say anything on the subject during that day & evening after leaving the ground

A. C. Robinson

On the 6th day of October 1858

The said Cornelius Count being sworn to speak the truth the whole truth and nothing but the truth - says. That he is thirty six years of age & upwards. resides in the village of Marshall & has resided there about 6 years past ~~& upwards~~. Knows the white defendants. but not the plaintiff Knows Plantiff Mosom & the coloured defendants - Knew Adam Crosholts a coloured man & a part of his family residing in Marshall in January 1857. Recollects an attempt being made to take the Crosholts away on the 27th day of that month & year. went to the place when Crosholts lived on the morning of that day about 9 o'clock A.M. met after the Carlin bain of Cars went on went there with Mr. Alcott. Charles Lush & Henry Dalsey - went up in Mr. Alcotts waggon. found a good many people there - from 50 to 100 perhaps more - saw some strangers there - they were Mr. Goodman Gilbin. Ford & Lee - saw none of the white defendants when he arrived there - The crowd was standing mainly on both sides the house - both inside & outside the yard. They were walking in groups & moving about - a short time after his arrival saw Mr. Gorham come up & soon after came Comstock & Reed. When Mr. Gorham came up. witness stepped to meet him. & Mr. Boardman also

stepped up apparently to meet him – Mr. Gorham said good morning to him & Mr. Boutman resumed his calculation – (this meeting was outside the yard) Mr. Gorham asked Boutman what they were after Boutman answered, Copwhits & family – Mr. Gorham replied You cant take them – Boutman then asked Mr. Gorham for his name – & asked if he was Kahounite Gorham remarked that he was Kahounible – Boutman took down his name, or began to take it down. but stopped as if he did not remember it. and asked Gorham again for his name. which he gave & told Boutman to put it down in Capitals – After taking down his name, Boutman said to Gorham. You say I shant take the Copwhits. Mr. Gorham immediately said. I say no such thing. You must see from the Excitement that you cant take them – Mr. Gorham then asked Boutman by What Authority he claimed to take them – Boutman, as Gorham thinks, answered by the Act of 1793 – Then was something said about the law – Mr. Boutman said he had the law on his side – Gorham remarked he supposed he had. but it seemed the people had taken the law into their own hands – Then was something said about taking the Copwhites before Justice Shearman – Immediately after this conversation Gorham took Gorham aside and showed him his waggon which

witness had taken without his leave on to the ground soon After this witness went down where Mr. Dixon & Mr. Cook were standing - stood there a few minutes. when Mr Dixon said he ~~was not~~ would be d—d if he fooled there any longer - & called on witness and Cook & Gorham to assist him in taking the slaves. - Gorham called Dixon a contemptible puppy & said he would not dirty his fingers with it - There was some further Conversation. when Dr. Hays came up - and it was remarked by Hays & by Gorham that they could not take the slaves on account of the excitement - Camp said they should not be taken before Shearman - Gorham said perhaps it would be better to go before the Court - Troutman spoke about taking the Cropolites before Shearman - & Gorham observed that probably they had better go there - & on Camps making his remark that they should not go there - Gorham expressed a different view of the matter - asking what objection there was to it - & told Camp his remarks were rather harsh & uncalled for. Patterson Came up there soon after on horseback with gun sword & belt - making a good deal of noise - & Gorham went to him & told him he had better go away - it was no place for him there he had no business there - Witness was in Company with Gorham & near him from the time he came there up to this time - ~~was~~ in the same group with him most of the time - Saw Comstock

when he came on the ground Heard Comstock
give his name. Heard Mr. Trautman to put
down his name as Oliver C Comstock Jr. be-
cause his name was the same as his father's.
Heard the question asked whether he was
responsible & a defence to his neighbours
on that subject — Heard some one say
before Comstock's arrival. Then came
Dr. Comstock — Comstock came up. Some
remarks were made between him and
Trautman when his name was given
Dont recollect particularly what passed
in the Conversation — Dont recollect
any further conversation between Traut-
man & Comstock after that, in which
his name was called for — Witness
heard until the crowd began to dis-
perse — Still some resolutions were
passed — Thinks Mr. Trautman offered
the first resolution — The resolution was
that he should be permitted to take
those slaves — Mr. Gorham opposed
an amendment, if they did it le-
gally — Recollect Mr. Hurd opposed a
resolution — something like this. That
they should have so long a time to
leave town. or the law should be
put in force against them — Cant
say whether this resolution was amend-
ed — There were several resolutions
opposed. dont recollect them all
Trautman opposed the resolution

Court

to adjourn till one oclock. Thinks he was in a situation to hear most of the resolutions about events - The resolution to adjourn was the last - Does recollect now as he heard Gorham after any resolution but the amendment above spoken of. Thinks he heard Dr. Comelack & Gorham request the crowd to be peaceable - Heard Gorham speak & Cash in particular at the time when Cash said something about tarring & feathering - Said to him he should not use such expressions - it was not called for - This was said in the presence of the crowd - Heard Cornwall make pretty much the same remark that Gorham did on the subject -

Motion - If Mr. Gorham had offered a resolution that the Kentuckians Could not take the cognizance by mock legal or physical force, or a loud tone of voice calling the attention of the crowd to it - would you have heard it - Answer - He should have been apt to have heard it - Did not hear any such resolution - Mr. Gorhams manner in his conversation with Kendricks appeared to be calm - There was excitement there all the people there were excited more or less - The defendants with the rest - There was considerable excitement on the ground -

On his Cross examination — He says he was a witness on the part of the defendants on the trial of this cause at Detroit in June last Despis his testimony now should be the same as it was then — The Examination here has been more full than it was then & he has been asked more questions here than he was then — Thinks his statements now are about the same they were on that occasion — The examination now has recalled some more subjects to his mind than were then thought of — Being asked whether his statements now & then are the same upon the same matters. He answers. He designs they should be the same —

A. Coon

On the 6th. day of October 1838

The said Ransom E Hall being sworn to speak the truth the whole truth & nothing but the truth says His age is forty two years & upwards resides with village of Marshall has resided there since 1837. Knows the defendants in this suit but not the plaintiffs — Knew a colonel more by the name of Adam Crophute. Some of his boys — residing in Marshall in January 1827. Recollects an attempt said to have been made to take them away by some Kickapoo Indians — in winter of 1827 — was at the place when it occurred as Crophutes house on that day — Went there between 8 & 9 o'clock A.M. Found about 100 or 150 people there when he got there

Thinks he went up with Gorham, Church, Robinson & one or two others. Saw some strangers on the ground and to be southern gentlemen. Heard the name of one of them afterward Mr. Boardman & some others. Saw defendants Sims & Constable there after he got there. Did not see them when he first got there. Heard Conversation between Constable & Boardman. Heard Boardman ask Constable his name & he gave it as Alexis C. Constable & afterwards gave it as Alexis Cromwell Constable Jr. Mr. Boardman said it was a big name. Constable said it was. Heard something about the slaves not being taken by moral legal or physical force &c. Cant say whether this remark was before or after giving his name. Mr. Boardman said something about whether he Constable meant to interfere with the taking of the slaves. To which Constable said he did not design to interfere. but it was evident from the state of excitement that he could not take them Witness cannot pretend to give the words used. Heard Boardman at this time ask Constable whether he was a responsible man. He replied that he could ask his neighbours. Dont recollect any thing further said between Constable and Boardman or any of the Kentuckians at this or any other time. Dont know as he recollects any

Conversation between any of the other defendants and the Kentuckians. So as to state it — which was then an hour or more — His impression is the Constable had left before he did — Remembers the old lady going — & she was he thinks the last one that went — Heard no resolutions offered while he was on the ground, should think he would have heard them — heard something said, about resolutions. Propositions to offer. But he and nothing from any of the defendants on the subject — Thinks he was in a position to have heard any resolutions offered — Thinks three of the Kentuckians came down from the ground ahead of him — Recollects seeing defendant Graham take Pollerton, the black man by the head & heard him tell him to go away — Pollerton was then at the time with the gun & had been making a good deal of noise — & crying out about Kidnapping &c — Does not Recollect as he heard the defendants make any other effort to make peace — quiet disturbance — When he left thinks the excitement had subsided — a good many people were then moving off Did not see any attempt while he was there to take the Constable away —

Direct Cross examination he says he

could not recollect the time when he was on the ground exactly. but that he went down after leaving him at the Merchant House & when he got back to his shop. it was about 11 o'clock A.M. — Was inside the house when he was on the ground went in twice — went in two or three steps. — Thinks the first time he went into the house was pretty soon after he got on to the ground — Saw in the house a number of the people of the village — Saw a woman that was called Mrs Corsbrooks & a number of children Does recollect having conversation with any one in the house — While on the ground was not stationary, was moving about considerably — The crowd was moving about a good deal — At the time Dr Comstock referred to the statement on the ground there was a good deal of excitement among the crowd — To a certain extent there was pushing there — Thinks that one man could not have heard & known all that was going on there in different parts of the crowd at the same time — Heard damned bank boy — Was that the Executive ought to be tarred & feathered & that he would be one to assist in doing it — Heard Rector say a good deal but he & Comstock were quite noisy — Heard Easterly talking & what was said called pretty

Sandy – Heard the remarks made there in the crowd – We live in a free country & dont ask Rowan & Clancy – & these Kentuckians are kidnappers and robbers – & remarks to that effect – Heard such remarks made by Rector – Heard a good deal said of a similar character – Cannot say whether by Rector or others – Witness thinks he made ~~such~~ remarks himself. That this was a free country & we did not recognise Clancy – thinks he said so to the tall man who was called Glass eye. Thinks he was at the Marshall House before Conn's & his clerk after leaving the ground. Pretty well towards an hour – There was a good deal of a crowd at the marshall house composed mostly of those who had been on the ground – Recalled hearing Rector talk pretty loud there – There was also a good deal of talking and joking – did not think – there was much feeling against the Kentuckians shown there – There might have been a good deal of feeling the rest of that day & evening in the village in relation to the transaction, but thinks it had subsided a good deal – Was present part of the time at the trial before Justice Hobart – There was feeling there no doubt among the persons assembled & feeling caused the verdict there –

Saw one of the Southerners on the ground with a pistol, thinks it was a pistol he saw, it was in his pocket – Dont

recollect seeing any one else there with weapons. might have been some one. but have no distinct recollection of it — would be sure whether Patterson had a gun — had a sword. should think likely he had a gun — Patterson came up there on gallop. riding his bell & hallooing & making a great outcry — came up there to the fence —

Question —

In your opinion would it have been safe for the Kentuckians to take the Coloredites then —?

He answers — He has no opinion on the subject —

Question — What do you mean by saying a few moments since that you did not think the whites would have interfered —

He answers — He does not think the people would have so far forgotten themselves as to have committed violence — Has been more feeling manifested among the people of this village before — without any blood shed —

Question — Do you believe that if the Kentuckians had made the attempt to take the Coloredites — the blacks would have interfered?

He answers — He has no opinion on the subject —

Ransom C. Hall

On the 4th. day of October 1848

Phillip S. Hewitt being sworn & speak the truth the whole truth & nothing but the truth says. He is forty years of age & upwards. Resides in the village of Markham & has resided there for the past 12 years. Knows the defendants in this suit & does not the Plaintiff. Knew Adam Crosholt a coloured man & his family formerly residents of Markham. Recollects an attempt to take him away from him in January 1847. Was on the ground at Crosholts house on the day of that transaction. Went there not far from 10 o'clock between 9 & 10 - Several went along with him but conducted civil. There were between 50 & 60 people there at that time - They were mostly gathered around W. Troutman. Did not see Crosholt or any of his family - went into the yard knew the people. They were not there. Saw defendants Gorham & Reid there. Did not see Dr. Comstock. Recollects conversation between Troutman who claimed to be the agent of the Plaintiff & some of the defendants, but does not recollect what it was. Resolutions were offered within a short time after he got there 5 or 10 minutes. W. Troutman opposed the first resolution. Can't tell the words the resolution was Resolved. That the people of Markham as a law abiding people permit Francis Troutman as the agent of Francis Gebner to take the Crosholt family back

to Kentucky - This resolution was
put & lost - W. Gorham offered an amend-
ment - to this effect. Provided the taking was done
legally & constitutionally - This was
put & carried unanimously or nearly
so. Mr. Reed then offered a resolution
the purport of it was. That the people
of Marshall gave the Kentuckians two
hours to leave town in - & if they did
not leave within that time, they should
be prosecuted for breaking the
peace & a peaceable citizen. This was
put & carried unanimously or nearly so.
Does not recollect hearing any thing said
upon this resolution by Mr. Camp or
others. There was a good deal said
almost Every one said something
Heard Mr. Faulkner offer another resolution
the last one - to this effect - Resolved That
we adjourn to meet at this place at 2
o'clock. & This was carried - There were
no other resolutions but these 3 while
he was there. The resolutions occupied
perhaps 10 or 15 minutes. - The assemblage
then broke up - which came away into
the east. They all kept the ground. Heard
nothing on the ground about any resolu-
tion having been passed before these.

On his Cross examination he says — He has
been sworn in this case before at Detroit
Does recollect whether he swore on that occasion
that it was after 10 o'clock when he went

on to the ground - Thinks he swore then the same as now generally - was not far from 10 o'clock when he went on to the ground - Question: Was you on the ground did you not take a pretty decided stand against the Kentuckians taking away the Corporates. He answers. He does not recollect that he took any stand in the matter - but thinks he remained rather passive - Don't recollect saying any thing decisive - Recollects he was opposed to their taking them - in principle & feeling - Thinks he did not on the ground then make any severe remarks against the Kentuckians - Has no recollection of speaking them of tarring & feathering the Kentuckians. Thinks he did not - Has no recollection of speaking them publickly about riding them on a rail - might have said such things in the street. or things which might be equivalent to that - After he got to the Marshall house on that day found the bar room full of Kentuckians Did you not then at the Marshall house talk about tarring & feathering the Kentuckians -

He answers He does not recollect that he did -

Question - Did you not then at the Marshall House talk about riding the Kentuckians on a rail.

He answers He does not recollect that

he did. but can tell what he did say

Question Did you not then at the Marshall House say that you would be one of 25 men to go & shoot the Kentucky rains & then go & drive them out of town on a rail?

Ans. He has not the most distant recollection of saying &c.

Quest. Did you not within two or three weeks after that time admit you had made the proposition stated in the last question put to you - & state that you would have done it?

Ans. He thinks not. Does not recollect that he heard any thing more on the ground than he has above stated. Thinks he stated in substance on the trial of this cause at Detroit the same things he he has now stated on this examination - Dont recollect that he talked a good deal on the ground at Corpolites - Thinks he did not say much then - There was considerable talk on the ground - but a low or ordinary tone of voice - except the resolutions - could not hear all that was said - could hear what was said by the next man to him. Means he could not hear what was said generally -

Quest. Do you recollect a conversation which took place at your store room on the 27th day of January 1862 in the presence of myself Dr Shearman & Lee.

and others, in which you stated, what occurred on that day on the ground that the Corporators -

He answers - He does not recollect any such conversation but recollects a conversation in June afterwards -

D. S. Merritt

On the 7th day of October 1848

Aloni B. Hand being sworn to speak the truth the whole truth & nothing but the truth says - That he is 32 years of age & supposes, besides in the village of Manhasset that resided there about 8 years past - Knows the defendants in this suit, but not the plaintiff & Recollects an attempt said to have been made to take the Corporators a colonial inquiry from Manhasset by some Kentuckians on the 2d day of January 1849 at Corporators house on that day - Went there not far from 9 o'clock A.M. went with Mr. Gorham & Mr. Robinson after we got started. Fell in with Mr Nelson Church Mr. Green & several others. Fell went along together to Corporators - Noticed when just got on the ground Mr. Boardman with something of a hurdle round him. Noticed two others Kentuckians from after the transaction - & saw all of them on the ground where he was there. Then arrains at the ground Mr. Gorham & Boardman saluted each other with good morning - Mr. Gorham asked what the trouble was - Mr.

Frontman said as the agent of his grandfather Mr. Gilbert of Carol County Kentucky he wished to take away the Negroes who were his slaves — Mr. Gorham remarked that he did not think he could take them. Mr. Frontman then asked Mr Gorham his name took out his book to write it — Mr Gorham gave him his name — Mr Frontman began to write the name & again writing a pen & asked Mr Gorham again his name. Who gave it again & he put it in Capital letters — Frontman then said then you say I shant have them — Mr Gorham replied — I said no such thing — It is evident from the date of Deeds which exists that you cannot take them — Some one who stood there which cannot say whether Mr. Gorham but thinks it was — asked Mr Frontman what authority he had for taking them — He answered, it was guaranteed to him by the Constitution & an act passed in 1793. Mr. Gorham then turned and went away — & went up towards the house & so did Mr Frontman — Dont recollect seeing Gorham & Frontman talking together on the ground after that — which was not this when Constable Carr was there — When we first was coming down after being on the ground a short time — on his way to the village met Dr Leonidas coming up — which went back again to the ground after this — Mr. Hurd was not on the ground while

witness was there the first time — Saw Mr. Hurd in the village — while witness was there after leaving the ground the first time — Saw Mr. Hurd on the ground when witness returned there. Dr. Comstock was there also on witness' return — witness did not hear him in conversation there with any one — witness might have been on the ground half an hour the second time — might not have been as long. When witness returned to the ground the people there were talking & walking about — gathered in groups & there debating. There was generally a little crowd about Mr. Troutman — Did not stay till resolutions were passed — Should have heard resolutions if proposed to the crowd while he was there — Dont know whether he saw Crosswhite there or not, as he did not know him at that time — The negro Patterson came up there he thinks after he got there the second time — with a bell — & saw Mr. Gorham send him away — Mr. Camp proposed that the negroes should tar & feather the Kentuckians & ride them out of town on a rail. Mr. Gorham said it was no use to make such remarks — & on some one standing near Mr. Gorham saying something about the Crosswhite being taken before Judge Shearman. Mr. Gorham remarked he did not see what objection there was to that —

On his cross examination he says. That he was

examined as a witness on a former trial of this case at Richmond in June last. Thinks he testified then. Did after Gorham gave his name. Fontaine asked him if he was responsible. He said he was. Eastes believed by Eastes said he would back him. That after Fontaine said he was acting by authority of the law Gorham said You may have law enough but the people have taken the law into their own hands. Do not recollect if the question was asked him on the trial of this case before. What Mr Gorham said in regard to the prohibition to take the Corporations before Sherman. He testified as he has now. That he asked what objection there was to it. Witness was somewhat excited when he went on to the ground. Thinks he did not continue excited during that day or part of the next. Thinks he did not testify on the other trial that he was some excited during the whole of that day & some the next. Was in Justices Roberts office that day & evening while the trial was proceeding. Left the Court adjourned that evening. Was there the next morning before the trial was resumed. Saw Mrs. Hurd & Gorham there also that morning before the trial was resumed

Question. Did you not on that morning. before the trial was resumed hear

Mr. Gorham offer to Mr. Bantman
to bring back the Corporates if Bantman
would enter into a written Stipulation
to pay him $200 -

Objected to by defts. Counsel. & answer
taken subject to the objection -

Ans answer - Recollects. Mr. Bantman
said he was sorry the Corporates were
gone & would give $100. if they were
back - Mr. Gorham then asked "would
not you give $200." & said if Bantman
would enter into a Stipulation to
give $200 - or what it was worth
he would get them back - Said
he did not know when they were
but thought he could find them
Remember about testifying on the former
trial. Something about Gorhams turning
to Hunt on this occasion and asking him
whether he would take some of that stock.
Dont recollect how Hunt testified as to Hunts
answer to this inquiry -

Question - Do you not remember that
you testified that Hunt said he would
take half the stock -

Ans answers. He does not remember
He testified as he remembered then -

Thinks he testified on the former
trial that on Hunts saying that he would
take half the stock - that Bantman
stepped out of the room saying
he would see his counsel.

Alvin B. Hazell

On the 7th day of October 1848

Theodore T. Stebbins being sworn to speak the truth the whole truth and nothing but the truth saith -

That he is 36 years of age & upwards & resides in the town of Kalamo in the County Eaton - has resided there ten years & upwards, is a farmer by occupation - Knows the white defendants Comstock & Gorham - has Known Mr Hurd since ~~the morning of~~ known him in January ~~[illegible]~~ 1847. Recollects the occurrence of an attempt or what was said to be so on the part of some Kentuckians in January 1847 to take the Crosswhite family from Marshall. Was staying in Marshall the night previous - Went to Crosswhites on the morning of the occurrence on hearing of the affair - Thinks it was before 8 o'clock A.M. when he got there - Dont know as he was personally acquainted with any of the persons he found there - There were as many as 30 persons there some white & some coloured - majority whites - Saw Mr. Troutman there Saw some other gentlemen there pointed out to him as Kentuckians - When witness first arrived there was considerable talk there among the crowd - Saw one of those persons pointed out to him as Kentuckians. Thinks it was

Gilt now talking with a large yellow woman
said to be Bosphobites wife — Heard him
say to her that if it were not for some
other persons he could coax her to
go back — She said to him that she
would not go back alone — Adam
Bosphobite was then at the tree — saw
nothing done towards taking any of
the Bosphobites — Heard no arguments
used with Adam to persuade him to
go — Thinks it was at least half an
hour after witness arrived, before he saw Mr.
Constable Gorham & Hayes come
up — noticed Mr Gorham when he came
up — Noticed Mr. Fountain at the
time Gorham came up — Could not
hear what they said. was ~~not~~ near
enough to hear ~~what~~ a little ways off — Thinks
Gorham & Fountain met a little south
of the barn inside the yard — It was
but a short time after this meeting he
saw Constable — Fountain & Gor-
ham entered into Conversation — Wit-
ness heard some one ask what they
wanted — dont know whether Mr Gor-
ham asked the question or some one
else — Thinks Mr Fountain answered
they wanted to take them to Squire
Shearmans office — and Mr. Gorham
then said. then could be no objections
to that. The reason of witness taking
particular notice of Mr Gorhams

remark was because it agreed precisely with his own feelings. This was all of the conversation he heard — though there was more — there was some conversation before this which he has related. Thinks the conversation between Graham & Troutman lasted not over 15 minutes — This conversation which witness has related was about the close of the conversation — Thinks the remark in relation to taking them to Shearman's office was the last of it or about the last. Heard defendant Comstock say something then but cannot state what he said. Witness remained on the ground over an hour he thinks. Did not go into the house after Mr Graham came there. Thinks he walked down from the ground with Mr ~~John~~ Vernon the younger — went to the Marshall house twice after returning from the ground ~~twice~~ — When he got there the first time found none of the Kentuckians there but while remaining there some time some of the Kentuckians came in — When they first came in they spoke about breakfast — Witness went out across the street & returned to the Marshall house & on getting back saw Mr Troutman come in — He said to the ~~other Kentuckians~~ assemblage of persons there who had come from the ground on coming in: You came away too soon Gentlemen, we had some resolutions. Witness did not hear any resolutions offered while he was

on the ground. Thinks he should have heard him if ground. Heard something said by Mr. Camp about having a death ring certain persons, but heard a number repeat him & thinks ill Gorham was one who did so. Cant be positive he was one. There was nothing found which he was then in the shape of a revolver. Thinks neither Mr. Gorham or Mr. Hurd or Comstock were called at all. Mr. Comstock seemed the most interested.

Question. Did you see anything in the manner or conduct of the whites then present which led you to believe that they would have interfered with Mr. Troutman & his company had they attempted to take the Coroners before a magistrate.

Ans. It is a difficult question for him to determine in his own mind. There was a general feeling there, but he saw nothing which induced him to think that if Mr. Troutman & his company had proceeded legally, they would have been interfered with in taking the Coroners before the magistrate.

On his Cross Examination, he says he saw the Coroners jury in the house. Does recollect seeing but two

of the Kentuckians in the house. Before he left the ground thinks there were 100 persons there - Does recollect that there were more than 2 persons in company with M. Troutman when he entered the door of the Marshall house as above stated which stand at the Marshall House not over 25 minutes after Mr. Troutman got there - Did not observe whether the number of persons at the Marshall House increased after Mr. Troutmans arrival while witness stood - The number did increase between the arrival of the other Kentuckians & Mr. Troutmans arrival The number of blacks on the ground increased after witness arrived there somewhat

Wm. H. Stubbins

Sworn to the 7th day of October 1858

Augustus Bonnel being sworn to speak the truth the whole truth & nothing but the truth says. He resides at Battle Creek has resided there but some 4 months previously to that resided at Manchester where he resided for 11 years - Is now by occupation a tinman is 29 years of age & upwards - Knows the defendants in this suit but does not the plaintiff - Knew Adam Corpolute a Colored man who formerly resided at Manchester. Some of his family - Recollects an attempt said to have been made by some Kentuckians to take the Creek.

Whites away — Thinks it occurred a year ago last winter — Was in Marshall at the time — Went to Crosswhites on the morning of the occurrence. & went into the house — Went there not far from 8 o'clock — might not have been & Warren M. Vaughan went there with witness — Saw none of the defendants there when he got there — Afterwards saw Mr. Gorham & Dr. Comstock & thinks Mr. Hurd — Saw 4 persons there said to be Kentuckians — Saw 2 of them when he first got there — Saw all of them soon after — They were standing about some near the door & some out by the fence — not doing much of any thing but talking — Saw Mr. Gorham when he came onto the ground. Cannot recollect who came with him. Saw him when he met Mr. Troutman. They met a little south of house out side of fence — Witness was close by them when they met & heard conversation between them — The conversation as near as witness can recollect was pretty much to this effect. — Mr. Gorham asked as he came up what was the trouble — Mr. Troutman answered him that he was endeavoring to take some fugitive slaves back to Kentucky — Mr. Gorham told him that he could not take them

I said he could see the settlement. & it was evident he could not take them away — Recollects the settlement of the people was mentioned & heard him in the conversation — W. Trautman asked W. Gorham if he was responsible. & also asked him his name. W. Gorham told him his name was Charles P. Gorham & to write it in large letters or in Capitals — After W Trautman had written the name he said. Very well Sir. I understand you to say. I shant take their claims away — W. Gorham replied — I said no such thing. but I said. it was evident from the settlement you cant take them — Do not recollect any more of the conversation between them. The next thing he noticed is W. Trautman talking Easterly from Record to W. Trautman saying he wanted the names of responsible men. Saw W. Conrad on the ground. Heard him & W Trautman conversing shortly after the conversation with Gorham but could not hear what was said. Thinks he saw W. Hurd on the ground is not certain — Was there on the ground the whole time & left about a half an hour. after he came there. until the crowd finally dispersed — Witness went away for about half an hour & returned again before W. Gorham

Came. Heard only one resolution offered that was the last one. After which this Companion had started to leave the ground - had got off a little distance heard something about resolutions. Stopped & turned round. Saw that resolution been being offered. But could not hear him. Then came back to the ground & then heard the last resolution to adjourn which was offered by Mr. Rountree. Think the resolutions were all offered in succession one right after the other. From the time which started to go away as above stated till the crowd broke up was not to exceed 15 minutes. At the time of offering resolutions might have been 50 persons might have been 100 there - a good many had then gone away. The crowd had pretty much subsided - They were then talking & joking Can't say that he heard any of the defendants say any thing to appease the crowd - Saw Patterson the negro man Came up there on horseback with a bell & two hogs. Some one had hurried away don't know who it was - was in the house a short time when he first Came there - Saw there Adam Brooks his wife & some of his children & one or two colored women - Mr. Rountree at that time was standing by the door - Saw no effort made

to take the Cospolites - Thinks he saw
one of the Cospolites boys leaving the ground
in Company with Mr. Leach. That
was about 10 o'clock - Cant state
the precise time. might have been earlier
or later - Saw no violence in the
manner of any of the white defendants
Saw no difference in their manner
then from what it was ordinarily.

Question - Did you see anything
in the manner or conduct of the white
people then on the ground which led
you to suppose they would have interfered against an attempt by the Kentuckians to take the Cospolites?

Ans answer. He did not.

On his cross examination he says - He thinks he
stated in his testimony on the former trial
that Mr. Gorham, [illegible] when
asked, he made the first remark that
Could not take the Cospolites, to the
excitement in the crowd - He saw
Charles Mosby & Charles Burgess on
the ground. - Did not know Rather
& Smith. but saw a Colored man
there with a gun - Went out to the
ground thinks between 9 & 10 o'clock -
Then might at that time have been a
dozen persons there blacks and all.
In his testimony on the former trial. when
he said there were no other persons

there when he got there but the Kentuckian Harris & John B White's boy - he meant no other white persons. & in answering the question on the subject put to him there before answering he asked whether white persons were inquired after. & was informed they were. He then answered the question as above referring only to whites - Thinks there were blacks there at that time besides the Crosswhites one or two. but is not positive - Thinks he did not testify on the trial at Detroit. that he went to Crosswhites that morning before 7 o'clock - Thinks he testified on the former trial that he heard Dr Comstock say on the ground that the Crosswhites could not be taken by moral legal or physical force - Thinks he did not testify on the former trial. that there was any great excitement on the ground. There was some little loud talk on the ground there - Dont recollect that he testified on the former trial that there was loud talk there - Was in Mr. Emmons office some part of several evenings. while the former trial was progressing was there both before & after he was sworn as a witness. Was there frequently while at Detroit during the trial - might have been in the office 2 or 3 times. before he was sworn. Was questioned there as to what he knew about the facts of this case & told what

he knew -

Question. How many times was you examined there in Mr. Emmons office before you was sworn as a witness on the trial -

Ans answer. He was Examined but once as to the whole matter - but at several other times was questioned as to parts of the transaction -

He was subpaned as a witness to go to Christ on the former trial - by the defendants -

Question by. Pffs. Counsel -

Was there any particular terms made with you respecting your going there as a witness =

Objected to by Defts Counsel & sustained

Ans answer. The terms made with him was. that his expenses of going & returning. & while there was borne by the defendants instead of regular fees. was subpoened in more than one case thinks in 6 or 8 - He accepted service in each case - He was not told that in case the defendants beat he should have his fees in each case -

Direct examination resumed - Heard Mr. Litton One of the Kentuckians say there on the ground that they would have the blood or would leave their corpses on the ground - There were several persons within hearing of this re

mark. He further said that if he was prevented from getting him. he would bring a regiment from Kentucky and destroy the town.

On Cross examination resumed. He says He does not recollect what called out the first threats of Mr. Giltner. Does recollect that he objected to Mr. Giltners making the latter remark, on the former trial. Cant recollect whether he objected to it or not. Thinks he objected to the former remark at October on the former trial. To the best of his knowledge he did not testify on the former trial that the first of the above threats of Mr. Giltner was the only threat he heard made by any of the Kentuckians. Mr. Giltner was standing between the gate & the house at the time of making the first threat. Does recollect any particular person that was standing near at the time it was made. Thinks he made both remarks from the same spot. Thinks there was not any great length of time between the two remarks of Mr. Giltner.

Re Examination.

Are you sure you heard the last remark of Mr. Giltner yourself, or whether it was not told you by some other person.

Ans. He is sure he heard

the remark himself — Thinks he did not state in his testimony on the former trial that the former of the two threats of Mr. Giltner was the only threat he heard from any of the Kentuckians on the ground — Witness did not have much to say on the ground against the Crosswhites being taken — Did not see the Crosswhites that day or evening after leaving the ground — Was in once, not to exceed 5 minutes during the trial before Justice Hobart. Cant say whether that day or the next — It was while Mr. Van Arman was making his plea — Heard Mr. Camp say something on the ground about tar & feathers. Heard no one else say any thing on that subject —

A Bunnell

On the 7th day of October 1848

Dennis Bunnel being sworn to speak the truth the whole truth and nothing but the truth says. That he is fifty two years of age & upwards. Resides in Battle Creek & has resided there but a few weeks. Previously resided at Marshall for about 11 years past — Knows the white defendants in this suit but not the plaintiff. Knew Adam Crosswhite a colored man who resided in Marshall in the winter of 1847. Recollects the occurrence of an alleged attempt on the part

when he came - saw him on the ground -
witness went home on a, about 9 o'clock,
& was gone perhaps 20 or 30 minutes
Thinks he went away before Mr. Gorham
came - because when he came back there
was a great gathering there on the ground
& a good many coming - Witness was
there till the crowd broke up with
the above exception while he went home.
Has no recollection of seeing either Comstock
or Gorham there before he went home
the first time - After he returned he was
in Crosswhite's house, went in a number
of times - did not spend much time
there. It was rather chilly & he went
into warm - Heard some Resolutions
offered just as they broke up - there
were some resolutions offered or some-
thing in the form of resolutions while
he was up near the house - Heard
two offered - Mr. Hurd offered the first
of them. As near as he can re-
collect it was. Resolved that these
Kentuckians leave town in two
hours or be prosecuted for breaking
open Crosswhite's house. Mr.
Troutman offered the next resolution
it was. Resolved - That we adjourn
to meet here again at two o'clock
& I will be on the ground - After
this the crowd dispersed - There was
about a third part of the number

that had been there, still there when the resolutions were offered. At the time when the resolutions were offered there was a good deal of joking & jesting & good humour of talking & laughing. Witness thought Mr. Troutman seemed to partake of the joking & laughing & to enjoy it as much as the rest. The witness's attention was first called to the resolutions by the offering of one while he was near the house & which he did not hear. He then walked down nearer to the place where they were offered. Those he did hear were offered immediately after the one he did not hear. He was in a situation part of the time while there such that he could not have heard resolutions if offered. Dont know that he saw any attempt made by the Kentuckians to take the Crosswhites except this. At one time saw Crosswhite come through the gate towards the house & as he was passing Mr. Troutman put his hand on or near his shoulder. Crosswhite turned round immediately & went into the house. Saw no effort by Mr. Troutman to hold him.

Question by one of the defendants ~~Gorham~~ What did Crosswhite say on being thus touched by Mr Troutman

~~(Objected to by Pltffs counsel & answer taken subject to objection)~~

He answers. Crosswhite called loudly

for his gun & said in a furious tone he would shoot him - This was in the early part of the transaction. might have been half an hour after which got there - There were not many persons there at that time.

Question by one of the defendants

What was the general demeanor of the defendants on the ground - was it mild and conciliatory or otherwise?

Objected to by Pepps counsel on the ground that the inquiry is leading - and the answer is taken subject to the objection.

Answer. He thought the defendants appeared to be very mild.

On his Cross Examination he says - He testified as a witness for the defendants in this cause on the former trial of this Cause in June or July last - Thinks he has testified very nearly now as he did then. as nearly as he can recollect - He has testified to some things else he was not asked about then - Thinks he was on the former trial permitted to narrate only the conversations - but was questioned as to the other matters - He testified at Detroit that defendant Counsel told Mr Poulsum that he

Could not take the Crosphaite family
morally legally nor physically. He
omitted to do so because it slipped
his mind — Does not recollect telling him
how many people there were on
the ground at any one time — Thinks
there were at one time 150 people there.
Thinks he went directly into the house
on going to the ground after having
a little conversation with Mr.
Dixon — When he got there Mr. Dix.
was stood near the front of the house
Mr. Crosphaite & his family were in
the house — Mr. Trueman was either
in the house or out of the house near
the door. Thinks he was not in the
house — Cant say who were in the
house — Thinks the Kentuckians
were all inside the yard — Besides
the Kentuckians. Mr. Annis. Mr. White
Lord Mr. Forman Mr. Vaughan
and Wilson Don Augustus were
there — There are all the white persons
he can recollect being there — Thinks
there were two Colored persons there
Did not Know them. The latter
were stationary — Dont recollect any
going away.. Mr. Dixon was
in the yard at the time Mr. Trueman
put his hand on Crosphaites shoulder

Dennis D Bennett

On the 9th day of October 1848

Henry S. Baker being sworn to speak the truth the whole truth & nothing but the truth says that he resides in Galesburgh has resided there for some 4 months. Resided previously in Marshall where he had resided some 4 years past. Knows the defendants Gorham Sen & Constant but not the plaintiff. Is twenty three years of age & upwards by occupation is a physician. Knew a colored family formerly residing in Marshall by the name of Crosswhite. Recollects the occasion in January 1844 of an attempt (said to have been made) by some Kentuckians to take away the Crosswhites. Knows Francis Troutman. Had a conversation with him in relation to the part which the defendant Gorham took on the occasion of the above attempt. Mr Troutman had started to come up direct from the National Hotel at Marshall in company with Troutman. Came as far as Brewers store. Then which was about to part from him. We stood a few moments on the side walk talking. and Mr. Gorham went by, and Mr Troutman said there goes your friend Gorham. Troutman said there are worse men than Gorham in the world. Witness observed he supposed he was excited when he did, what he did up there on the ground. "Well" said Troutman

man he did not do any thing that amounted to any thing in particular ah then" Both then turned around to go off in different directions - & Boutman said "there was others there that did more than Gorham did. This conversation was after the occurrence at Brookhouse & after Boutman had left to Maryland & had returned again & was then boarding at the National. was sometime after the transaction in relation to the Capability thereof in last of February & part part of May a year ago. - Which is not certain that Boutman was at this time boarding at the National - but inferred he did from seeing him about there -

Henry J. Baker

Sworn to & subscribed before me this 9th day of October 1868

Abner Baker being sworn & speak the truth the whole truth & nothing but the truth & says - That he has already been examined in this Cause - At the time he left the ground at Brookhouse on the morning of the 2nd January last, thinks from a half to two thirds of the people had gone or were then going away - did not hear any resolutions before he left - The first part of the time while there he was in the house the latter part of it he was out of doors - Think that while he was not within the house, it would have been impossible that resolutions could have been publickly offered to the crowd which he would not have heard -

some 10 or 15 minutes after he got there staid about 5 minutes – Soon after went in again staid about as much longer – after act of the time when there was out doors. Went to the Marshall on leaving the ground. but on the way staid on the Square perhaps 15 minutes – but as he was Hunter's to come away from the ground. some one remarked that all the Kentuckians were going away – the Yanks three of them came down before him – was in the Marshall House when Mr Faulman came in – half an hour after battle got there. He remarked as he came over washing his hands – Gentlemen you ought to have staid up. we had some resolutions up. and after you came away

Abner "Baker"

And I do further certify that the
foregoing depositions were reduced to
writing by me and after being read to the
witnesses respectively were signed by the
said witnesses respectively in my presence
and that I am not of counsel or attorney
for either of the parties to the said suit nor
am I interested in the event thereof. and
I further certify that at the examina-
tion of each of said witnesses the above
named Counsel for the plaintiff was pres-
ent except the two last named witnesses
examined on the 9th of Oct. instant

Dated Marshall Oct. 10th 1848

G. Woodruff
County Clerk
Calhoun Co. Miss

Witnesses -
Isaac Jacobs
Calvin Hackett
A. C Robinson
Cornelius Covert
R. E. Hall
P. S. Hewett
A B Hard
T. T. Stebbins.
A. Bunnell.
D. D. Bunnell
H. S. Hahn
Abner Baker.

No 1900

Gelston
vs
Gorham & al

Depts testimony

I certify that on the 12th Oct 1848 I recd the within depositions from the Post office in Detroit and on same day in open Court I broke open & filed the same
Jno Winder
Clerk

19 vol copied for Mr Van Armand

United States of America,
Circuit Court of the United States for the Seventh Circuit and District of Michigan.

Of the first — day of June in the year of our ~~Lord~~ one thousand ~~and~~ Eight Hundred and Forty seven

DISTRICT OF MICHIGAN, ss —

Francis Giltner, Plaintiff in this suit, and who is a citizen of the State of Kentucky, by Pratt & Crary, his Attorneys, comes into Court, and complains of CHARLES T. GORHAM, Oliver C. Comstock, Junior, Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen, and James Smith, Defendants in this same suit, who are citizens of the State of Michigan, by filing and service of declaration pursuant to the rules of practice of this Court.

For that whereas heretofore, to wit, on the first day of August in the year of Our Lord one thousand eight hundred and forty three, the said plaintiff, being a citizen of the said State of Kentucky where slavery is tolerated and established, owned and had in his custody and under his control six persons, whom he the said plaintiff lawfully held to labor commonly called African slaves, viz.—Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, and in whose labor and service he the said plaintiff had, under the constitution and laws of the United States and the constitution and laws of the said state of Kentucky, the sole right and interest, to wit, at Carroll county in the said State of Kentucky; which said persons so held to labor by the said plaintiff as aforesaid, afterwards, to wit, on the fifth day of August in the year last aforesaid, without the license or consent of the said plaintiff, did depart and escape from him the said plaintiff and from his the said plaintiff's labor and service, into the village of Marshall in the county of Calhoun and state of Michigan, where they the said persons so held to labor as aforesaid, became and were fugitives from said labor and service, to wit, on the twenty seventh day of January in the year of Our Lord 1847, at the village of Marshall aforesaid. And whereas also the said plaintiff, by Francis Troutman, David Giltner, Franklin Ford and James S. Lee, his lawfully constituted agents, afterwards, to wit on the day and year last aforesaid, pursued the said fugitives from labor, so escaping from the said plaintiff as aforesaid, to the said village of Marshall, where the said plaintiff by his said agents did then and there, to wit, on the day and year last aforesaid reclaim and arrest the said fugitives from labor for the purpose of taking them before one Francis W. Shearman, a justice of the peace in Marshall aforesaid, and where said arrest was so made, in order to make the necessary proof of said persons so arrested being such fugitives from labor as aforesaid, and for the further purpose of obtaining from said Justice of the Peace his official certificate for removing said fugitives from labor back to the said plaintiff in the said State of Kentucky from whose service and custody they unlawfully fled and escaped as aforesaid; the said Justice of the Peace having under the constitution and laws of the United States competent power and authority to hear such proofs and make and deliver to the said agents of the said plaintiff such official certificate; whereupon and after the said fugitives from labor had been so reclaimed and arrested as aforesaid, they the said defendants, on the same day and year last aforesaid, at Marshall aforesaid, and after they the said defendants had notice of the said persons so arrested as aforesaid being fugitives from labor as aforesaid, and also notice of the said Francis Troutman, David Giltner, Franklin Ford, and James S. Lee being agents of the said plaintiff as aforesaid, rescued them the said fugitives from labor so reclaimed and arrested as aforesaid, contrary to the provision of the statute of the United States in such case made and provided, and afterwards, to wit, on the same day and year last aforesaid aided and assisted them the said fugitives from labor in making their escape to some place out of the said village of Marshall and beyond the reach of the said plaintiff or his said agents. Whereby and by means of the premises the said agents of the said plaintiff were prevented from returning the said fugitives from labor to the said State of Kentucky as they the said agents had the right to do, and as they otherwise would have done. Whereby also and by means of the premises aforesaid the said plaintiff hath lost the said fugitives so to him lawfully held to labor and service as aforesaid, and hath been and is by reason thereof entirely deprived of the labor and service of the said fugitives, which labor and service would have been and was, to him the said plaintiff, of great value, to wit, of the value of four thousand dollars.

And for that whereas heretofore to wit on the fourth day of August in the year of our Lord one thousand eight hundred and forty-three, the said Plaintiff being a citizen of the State of Kentucky, where slavery and the servile relation is tolerated by law, owned and had in his custody and under his control six other persons, whom he the said plaintiff lawfully held to labor, commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, and in whose labor and service he the said plaintiff, under the Constitution and laws of the United States, and the Constitution and laws of the said State of Kentucky, had the sole right and interest, to wit, at Carroll county in the State of Kentucky; which said persons so held to labor by the said plaintiff as aforesaid, at the place last aforesaid afterwards, to wit, on the sixth day of August in the year last aforesaid, without the license or consent of the said plaintiff, absconded and escaped from the custody and service of him the said plaintiff, in the said State of Kentucky, and fled into the village of Marshall in the county of Calhoun and State of Michigan, where they the said persons so held to labor by the said plaintiff as aforesaid became and were fugitives from such labor to wit, on the twenty-sixth day of January in the year of our Lord one thousand eight hundred and forty seven, at the village of Marshall aforesaid. And whereas also the said plaintiff, by Francis Troutman, David Giltner, Franklin Ford and James S. Lee his lawfully constituted agents, afterwards to wit, on the twenty seventh day of January in the year last aforesaid, pursued the said fugitives from labor so absconding and escaping from the custody and service of the said plaintiff in the said State of Kentucky as aforesaid to the said village of Marshall in the said State of Michigan, and then and there on the day and year, and at the place last aforesaid, reclaimed and seized the said fugitives from labor, for the purpose of taking them before a Justice of the Peace in said village of Marshall where said recapture and seizure was made, in order to show such Justice by legal proof that said persons so seized were fugitives from labor, as aforesaid and thereupon obtain from such Justice a certificate for removing said fugitives from labor back to the said plaintiff in the State of Kentucky; such Justice having under the Constitution and laws of the United States, competent power and authority to hear such proofs and make and deliver to the said agents of the said plaintiff such cer-

tificate for the purpose aforesaid. Yet the Defendants well knowing the premises, but wrongfully and injuriously contriving and intending to injure the said plaintiff by preventing the return of said fugitives from labor to his service in the said State of Kentucky and thereby depriving him the said plaintiff of all the benefit and profit arising from the labor and service of the fugitives aforesaid, afterwards, and after they the said Defendants had notice that said persons so seized as aforesaid, were fugitives from labor as aforesaid, and that the said Francis Troutman, David Giltner, Franklin Ford and James S. Lee were the agents of the said plaintiff as aforesaid to wit, on the twenty seventh day of January in the year last aforesaid, unlawfully and against the will of the said plaintiff with force and arms rescued the said fugitives from labor, so reclaimed and seized by the said agents of the said plaintiff as aforesaid and thereby prevented them the said agents from returning the said fugitives from labor to the custody and service of the said plaintiff in the said State of Kentucky, as they had the lawful right to do and otherwise would have done, to wit, at the village of Marshall aforesaid ; by means of which said premises he the said plaintiff has been and is greatly injured and deprived of the work and service of all the said fugitives from labor so rescued from his said agents by the said defendants as aforesaid.

And for that whereas heretofore to wit, on the first day of August in the year of our Lord one thousand eight hundred and forty three, the said plaintiff being a citizen of the State of Kentucky where slavery and the servile relation is recognised by law, owned, kept and legally had in his possession, custody and employ six other persons commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite who, by the Constitution and laws of the said state of Kentucky were bound to labor for, and serve him the said plaintiff and whose labor and service the said plaintiff had, and still has the legal interest in and the sole right of directing and controlling, which said persons so held to labor and service by the said plaintiff as aforesaid, afterwards to wit, on the fifth day of August in the year aforesaid, unlawfully and without the knowledge or consent of him the said plaintiff absconded and escaped from the said plaintiff and his service ; and afterwards to wit, on the first day of December in the year last aforesaid came into the village of Marshall, in the county of Calhoun and state of Michigan, where they the said persons so absconding and escaping as aforesaid and by reason of such absconding and escaping became and were then and there fugitives from labor. And whereas also afterwards to wit, on the twenty seventh day of January in the year of our Lord one thousand eight hundred and forty seven the said plaintiff by Francis Troutman, David Giltner, Franklin Ford and James S. Lee his lawfully constituted agents pursued the said fugitives from labor, so absconding and coming into the village of Marshall as aforesaid, and then and there on the day and year last aforesaid, and at the village aforesaid undertook and attempted to reclaim and sieze the said fugitives from labor for the purpose of taking them before one Francis W. Shearman a Justice of the Peace in said village where such attempt to reclaim and sieze was so made, in order to adduce the necessary proof and obtain from said Justice of the Peace such certificate as required by law to enable the said agents in a lawful manner to return the said fugitives from labor back to the said plaintiff again in the said state of Kentucky, from whose service and custody they unlawfully absconded and escaped as aforesaid ; the said Justice of the Peace having competent power and authority to hear such proof and make such certificate. Yet the said defendants well knowing the premises but wrongfully and injuriously contriving and intending to injure the said plaintiff and to deprive him of the possession use and benefit of all the said fugitives from labor, so absconding and escaping as aforesaid afterwards, and after they the said defendants had notice of said persons being such fugitives from labor and that said Francis Troutman, David Giltner, Franklin Ford and James S. Lee were the lawfully constituted agents of the said plaintiff as aforesaid to wit, on the day and year and at the village last aforesaid, with force and arms hindered and prevented the said agents of the said plaintiff from reclaiming and seizing the said fugitives from labor, for the purposes aforesaid which the said agents of the said plaintiff had the lawful right to do and otherwise would have done, whereby and by means of the premises aforesaid the said plaintiff hath lost the said fugitives so by him legally held to labor and service as aforesaid and hath been and is thereby unlawfully deprived of the labor and service of all of said fugitives ; which said labor and service was and is to him the said plaintiff of great value to wit, of the value of four thousand dollars.

And for that whereas heretofore to wit : On the first day of August, in the year of our Lord one thousand eight hundred and forty-three, the said plaintiff being a citizen of the state of Kentucky, where slavery and the servile relation is legalized, owned, kept, and lawfully had in his custody, possession and employ six other persons commonly called slaves, viz : Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, who by the constitution and laws of the said state of Kentucky were lawfully bound to labor for, and serve him the said plaintiff, and whose labor and service, he the said plaintiff had and still has the legal interest in, and the sole right of directing and controlling, to wit : at Carroll county in the said state of Kentucky ; which said persons so held to labor and service by the said plaintiff as aforesaid afterwards to wit, on the fifth day of August. in the year last aforesaid, unlawfully and without the knowledge or consent of the said plaintiff, absconded and escaped from him the said plaintiff, and from his the said plaintiff's service and business and afterwards to wit : On the tenth day of December in the year last aforesaid came into the village of Marshall, in the county of Calhoun and state of Michigan, where they the said persons so absconding and escaping from the said plaintiff and from his labor and service as aforesaid and by reason of such absconding and escaping became and were then and there fugitives from the labor and service of the said plaintiff. And whereas also afterwards to wit : On the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and forty-seven, the said plaintiff by Francis Troutman, David Giltner, Franklin Ford, and James S. Lee, his lawfully constituted agents, pursued the said fugitives from the labor and service of the said plaintiff so absconding and coming into the village of Marshall as aforesaid, and then and there on the day and year last aforesaid and at the village aforesaid, undertook and attempted to recover, seize and arrest the said fugitives from labor and service, the said fugitives being then and there present, and take them before a justice of the Peace in said village for the purpose of adducing the necessary proof of said persons so absconding and escaping as aforesaid being such fugitives from the labor and service of the said plaintiff, and obtaining from such Justice of the Peace the proper certificate under the laws of the United States to enable the said agents of the said plaintiff lawfully to return the said fugitives again to the said state of Kentucky, and to the labor and service of the said plaintiff, from which said service they the said

fugitives had unlawfully absconded as aforesaid; such Justice of the Peace having legal power and authority to hear such proof and make such certificate. Yet the said defendants well knowing the premises, but wrongfully, unjustly and voluntarily contriving and intending to injure the said plaintiff, and to deprive him the said plaintiff of the use, benefit, service and labor of all the said fugitives so absconding from his possession, custody, control and business as aforesaid, afterwards, and after they the said defendants had notice of said persons so absconding from the said plaintiff as aforesaid, being such fugitives from labor and service, and the said Francis Troutman, David Giltner, Franklin Ford and James S. Lee being such agents of the said plaintiff as aforesaid, to wit: On the day and year, and at the village last aforesaid, knowingly, intentionally and willfully interfered, obstructed and hindered the said agents of the said plaintiff in recovering and seizing the said fugitives from labor and service aforesaid, for the purposes aforesaid; which the said agents of the said plaintiff had the lawful right to do, and otherwise would have done. Whereas, and by means of the premises, the said plaintiff lost the said fugitives so by him lawfully held to labor and service as aforesaid, and hath been and is thereby unlawfully deprived of the labor and service of all the said fugitives; which said labor and service was and is to him the said plaintiff of great value, to wit, of the value of four thousand dollars.

And for that whereas heretofore to wit: On the first day of August in the year of our Lord one thousand eight hundred and forty-three, the said plaintiff being a citizen of the State of Kentucky where slavery and the servile relation is recognized and tolerated by law, owned and lawfully had in his possession, custody and business, six other persons commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, who by the constitution and laws of the United States, and the constitution and laws of the said State of Kentucky, were lawfully bound to labor for, and serve him the said plaintiff, and whose labor and service he the said plaintiff had and still has the lawful interest in, and the sole right of directing and controling, to wit, at Carroll county in the said State of Kentucky; which said persons so held to labor and service by the said plaintiff as aforesaid, afterwards to wit: on the fifth day of August in the year last aforesaid, unlawfully and without the knowledge or consent of the said plaintiff absconded and escaped out of the said State of Kentucky and from the custody, possession, labor and service of the said plaintiff and afterwards to wit, on the fifteenth day of December, in the year last aforesaid, came into the village of Marshall in the county of Calhoun and State of Michigan, where the said persons so absconding and escaping from the said State of Kentucky and from the custody and possession of the said plaintiff as aforesaid and by reason of said absconding and escaping became and were then and there on the day and year, and at the village aforesaid fugitives from the labor and service of the said plaintiff. And whereas also afterwards, to wit: on the twenty-seventh day of January in the year of our Lord one thousand eight hundred and forty-seven, the said plaintiff by Francis Troutman, David Giltner, Franklin Ford, and James S. Lee, his agents for that purpose, pursued the said fugitives from labor and service to the said village of Marshall, where they the said agents then and there on the day and year last aforesaid and at the village aforesaid undertook to seize the said fugitives from labor and service and to take them before a magistrate of the said county of Calhoun wherein such seizure was so undertaken for the lawful purpose of making proof to the satisfaction of such magistrate that said persons which they the said agents then and there undertook to seize as aforesaid did under the laws of the said State of Kentucky owe service to the said plaintiff and obtaining from such magistrate a certificate thereof as a sufficient warrant for removing the said fugitives from labor to the said State of Kentucky from which they fled; such magistrate having competent power and authority to hear such proof and give such certificate. Yet the said defendants well knowing the premises, but wrongfully, unjustly and unlawfully contriving and intending to injure the said plaintiff and to prevent the said fugitives from being so seized by his said agents as aforesaid and for the purposes aforesaid, afterwards and after they the said defendants had notice that said persons, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite were such fugitives from labor, and the said Francis Troutman, David Giltner, Franklin Ford, and James S. Lee, were such agents of the said plaintiff as aforesaid to wit, on the day and year, and at the village last aforesaid, did knowingly and willingly obstruct the said agents of the said plaintiff in so seizing the said fugitives from labor. Whereby and by means of the premises and such knowing and willing obstruction on the part of said defendants, the said plaintiff lost the said fugitives from labor, and hath been and is thereby unlawfully deprived of their labor and service, which said labor and service was and is of great value to wit of the value of four thousand dollars.

And for that whereas heretofore to wit: On the first day of August, in the year of our Lord one thousand eight hundred and forty-three, the said plaintiff being a citizen of the State of Kentucky where slavery and the servile relation is tolerated and established by law, owned and lawfully had in his possession, custody and business, six other persons commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjaman Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, who by the constitution and laws of the United States and the constitution and laws of the said State of Kentucky were bound to labor for, and serve him the said plaintiff, and whose labor and service, he the said plaintiff had and still has the only lawful interest in, and the sole right of directing and controlling to wit, at Carroll county in the said state of Kentucky; which said persons so held to labor and service by the said plaintiff as aforesaid afterwards to wit, on the fifth day of August in the year last aforesaid, unlawfully and without the license and consent of the said plaintiff, absconded and escaped out of the said State of Kentucky, and from the possession, custody, labor and business of the said plaintiff and afterwards to wit: on the fifteenth day of December in the year last aforesaid came into the village of Marshall in the county of Calhoun and State of Michigan; where the said persons so absconding and escaping as aforesaid and by reason of said absconding and escaping became and were then and there on the day and year, and at the village last aforesaid fugitives from labor. And whereas also afterwards to wit: On the twenty-seventh day of January in the year of our Lord one thousand eight hundred and forty-seven, the said plaintiff by Francis Troutman, David Giltner, Franklin Ford and James S. Lee, his lawful agents pursued the said fugitives from labor, to the said village of Marshall, with the *bona fide* intention to reclaim, seize, and take them, the said fugitives from labor, before Francis W. Shearman a magistrate in said village, where said fugitives from labor then were and where said seizure was so intended for the purpose of making proof to the satisfaction

of said magistrate, that said persons which said agents then and there so intended to seize, did under the laws of the said State of Kentucky owe service to the said plaintiff, and obtaining from said magistrate a certificate thereof as a sufficient warrant for removing the said fugitives from labor to the said State of Kentucky, from which they fled: said magistrate having competent power and authority to hear such proof and give such certificate. Yet the said defendants well knowing the premises, but wrongfully, injuriously and unlawfully contriving and intending to injure the said plaintiff and to prevent the said fugitives from being seized and removed to the said State of Kentucky, afterwards, and after they the said defendants had notice that said persons, viz. Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were such fugitives from labor, and the said Francis Troutman, David Giltner, Franklin Ford, and James S. Lee such agents of the said plaintiff as aforesaid, to wit: on the day and year, and at the village last aforesaid, did knowingly and willingly harbor the said fugitives from labor. Whereby and by means of the premises and such harboring on the part of said defendants, the said plaintiff lost the said fugitives from labor and hath been and still is deprived of their labor and service, which said labor and service was and is of great value, to wit, of the value of four thousand dollars.

And for that whereas heretofore to wit: On the fourth day of August in the year of our Lord one thousand eight hundred and forty-three the said plaintiff being a citizen of the State of Kentucky where slavery and the servile relation is tolerated and established by law, owned and lawfully had in his possession, custody and business, six other persons commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, who by the constitution and laws of the United States and the constitution and laws of the said State of Kentucky were bound to labor for, and serve him the said plaintiff, and whose labor and service, he, the said plaintiff had and still has the only lawful interest in, and the sole right of directing and controlling to wit, at Carroll county in the said State of Kentucky; which said persons so held to labor and service by the said plaintiff as aforesaid afterwards to wit, on the fifth day of August in the year last aforesaid, unlawfully and without the license or consent of the said plaintiff, absconded and escaped out of the said State of Kentucky, and from the possession, custody, labor and business of the said plaintiff and afterwards to wit: on the fifteenth day of December in the year last aforesaid came into the village of Marshall in the county of Calhoun and state of Michigan; where the said persons so absconding and escaping as aforesaid and by reason of said absconding and escaping became and were then and there on the day and year, and at the village last aforesaid fugitives from labor. And whereas also afterwards to wit: On the twenty-seventh day of January in the year of our Lord one thousand eight hundred and forty-seven, the said plaintiff by Francis Troutman, David Giltner, Franklin Ford and James S. Lee his lawful agents pursued the said fugitives from labor, to the said village of Marshall, with the *bona fide* intention to reclaim, seize and take them, the said fugitives from labor, before a magistrate in said village where said fugitives from labor then were and where said seizure was so intended, for the purpose of making proof to the satisfaction of such magistrate, that said persons which said agents then and there so intended to seize, did under the laws of the said State of Kentucky owe service to the said plaintiff and obtaining from such magistrate a certificate thereof as a sufficient warrant for removing the said fugitives from labor to the said State of Kentucky from which they fled; said magistrate having competent power and authority to hear such proof and give such certificate. Yet the said defendants well knowing the premises, but wrongfully, injuriously and unlawfully contriving and intending to injure the said plaintiff and to prevent the said fugitives, from being seized and removed to the said State of Kentucky, afterwards, and after they the said defendants had notice, that said persons, viz. Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite were such fugitives from labor, and the said Francis Troutman, David Giltner, Franklin Ford and James S. Lee such agents of the said plaintiff as aforesaid, to wit: On the day and year and at the village aforesaid, did knowingly and willingly secrete the said fugitives from labor. Whereby and by means of the premises and such secreting on the part of said defendants as aforesaid the said plaintiff lost the said fugitives from labor, and hath been and still is deprived of their labor and services, which said service and labor was and is of great value, to wit, of the value of four thousand dollars. To the damage of the said plaintiff of four thousand five hundred dollars and therefore he brings his suit &c.

PRATT & CRARY, Att'ys for Pl'tff.

DISTRICT OF MICHIGAN, ss.

Francis Giltner, plaintiff in this suit puts in his place Pratt & Crary, his attorneys against the defendants in this same suit, and who are named in the foregoing declaration of a plea of trespass on the case.

Circuit Court of the U.S.
for the Circuit and
District of Michigan
Francis Giltner
vs
Charles Norland
and others
"Amended Part."
Declaration

Pratt & Crary
Att'ys for Pl'tff.

Filed Aug 31 1847
at 9 o'c A.M.
Wm A Fraser Clerk
By Wm Fraser
Deputy

United States of America,
Circuit Court of the United States for the Seventh Circuit and District of Michigan.

Of the First day of June in the year of our Lord one thousand Eight hundred and forty seven ~~A. D. 1847, and as yet of the term, A. D.~~

DISTRICT OF MICHIGAN, *ss*—

Francis Giltner, Plaintiff in this suit, and who is a citizen of the State of Kentucky, by Pratt & Crary, his Attorneys, comes into Court, and complains of CHARLES T. GORHAM, Oliver C. Comstock, Junior, Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen, and James Smith, Defendants in this same suit, who are citizens of the State of Michigan, by filing and service of declaration pursuant to the rules of practice of this Court.

For that whereas heretofore, to wit, on the first day of August in the year of Our Lord one thousand eight hundred and forty three, the said plaintiff, being a citizen of the said State of Kentucky, where slavery is tolerated and established, owned and had in his custody and under his control six persons, whom he the said plaintiff lawfully held to labor commonly called African slaves, viz.—Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, and in whose labor and service he the said plaintiff had, under the constitution and laws of the United States and the constitution and laws of the said state of Kentucky, the sole right and interest, to wit, at Carroll county in the said State of Kentucky; which said persons so held to labor by the said plaintiff as aforesaid, afterwards, to wit, on the fifth day of August in the year last aforesaid, without the license or consent of the said plaintiff, did depart and escape from him the said plaintiff and from his the said plaintiff's labor and service, into the village of Marshall in the county of Calhoun and state of Michigan, where they the said persons so held to labor as aforesaid, became and were fugitives from said labor and service, to wit, on the twenty seventh day of January in the year of Our Lord 1847, at the village of Marshall aforesaid. And whereas also the said plaintiff, by Francis Troutman, David Giltner, Franklin Ford and James S. Lee, his lawfully constituted agents, afterwards, to wit, on the day and year last aforesaid, pursued the said fugitives from labor, so escaping from the said plaintiff as aforesaid, to the said village of Marshall, where the said plaintiff by his said agents did then and there, to wit, on the day and year last aforesaid reclaim and arrest the said fugitives from labor for the purpose of taking them before one Francis W. Shearman, a justice of the peace in Marshall aforesaid, and where said arrest was so made, in order to make the necessary proof of said persons so arrested being such fugitives from labor as aforesaid, and for the further purpose of obtaining from said Justice of the Peace his official certificate for removing said fugitives from labor back to the said plaintiff in the said State of Kentucky from whose service and custody they unlawfully fled and escaped as aforesaid; the said Justice of the Peace having under the constitution and laws of the United States competent power and authority to hear such proofs and make and deliver to the said agents of the said plaintiff such official certificate; whereupon and after the said fugitives from labor had been so reclaimed and arrested as aforesaid, they the said defendants, on the same day and year last aforesaid, at Marshall aforesaid, and after they the said defendants had notice of the said persons so arrested as aforesaid being fugitives from labor as aforesaid, and also notice of the said Francis Troutman, David Giltner, Franklin Ford, and James S. Lee being agents of the said plaintiff as aforesaid, rescued them the said fugitives from labor so reclaimed and arrested as aforesaid, contrary to the provision of the statute of the United States in such case made and provided, and afterwards, to wit, on the same day and year last aforesaid aided and assisted them the said fugitives from labor in making their escape to some place out of the said village of Marshall and beyond the reach of the said plaintiff or his said agents. Whereby and by means of the premises the said agents of the said plaintiff were prevented from returning the said fugitives from labor to the said State of Kentucky as they the said agents had the right to do, and as they otherwise would have done. Whereby also and by means of the premises aforesaid the said plaintiff hath lost the said fugitives so to him lawfully held to labor and service as aforesaid, and hath been and is by reason thereof entirely deprived of the labor and service of the said fugitives, which labor and service would have been and was, to him the said plaintiff, of great value, to wit, of the value of four thousand dollars.

And for that whereas heretofore to wit on the fourth day of August in the year of our Lord one thousand eight hundred and forty-three, the said Plaintiff being a citizen of the State of Kentucky, where slavery and the servile relation is tolerated by law, owned and had in his custody and under his control six other persons, whom he the said plaintiff lawfully held to labor, commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, and in whose labor and service he the said plaintiff, under the Constitution and laws of the United States, and the Constitution and laws of the said State of Kentucky, had the sole right and interest, to wit, at Carroll county in the State of Kentucky; which said persons so held to labor by the said plaintiff as aforesaid, at the place last aforesaid afterwards, to wit, on the sixth day of August in the year last aforesaid, without the license or consent of the said plaintiff, absconded and escaped from the custody and service of him the said plaintiff, in the said State of Kentucky, and fled into the village of Marshall in the county of Calhoun and State of Michigan, where they the said persons so held to labor by the said plaintiff as aforesaid became and were fugitives from such labor to wit, on the twenty-sixth day of January in the year of our Lord one thousand eight hundred and forty seven, at the village of Marshall aforesaid. And whereas also the said plaintiff, by Francis Troutman, David Giltner, Franklin Ford and James S. Lee his lawfully constituted agents, afterwards to wit, on the twenty seventh day of January in the year last aforesaid, pursued the said fugitives from labor so absconding and escaping from the custody and service of the said plaintiff in the said State of Kentucky as aforesaid to the said village of Marshall in the said State of Michigan, and then and there on the day and year, and at the place last aforesaid, reclaimed and seized the said fugitives from labor, for the purpose of taking them before a Justice of the Peace in said village of Marshall where said recapture and seizure was made, in order to show such Justice by legal proof that said persons so seized were fugitives from labor, as aforesaid and thereupon obtain from such Justice a certificate for removing said fugitives from labor back to the said plaintiff in the State of Kentucky; such Justice having under the Constitution and laws of the United States, competent power and authority to hear such proofs and make and deliver to the said agents of the said plaintiff such cer-

tificate for the purpose aforesaid. Yet the Defendants well knowing the premises, but wrongfully and injuriously contriving and intending to injure the said plaintiff by preventing the return of said fugitives from labor to his service in the said State of Kentucky and thereby depriving him the said plaintiff of all the benefit and profit arising from the labor and service of the fugitives aforesaid, afterwards, and after they the said Defendants had notice that said persons so seized as aforesaid, were fugitives from labor as aforesaid, and that the said Francis Troutman, David Giltner, Franklin Ford and James S. Lee were the agents of the said plaintiff as aforesaid to wit, on the twenty seventh day of January in the year last aforesaid, unlawfully and against the will of the said plaintiff with force and arms, rescued the said fugitives from labor, so reclaimed and seized by the said agents of the said plaintiff as aforesaid and thereby prevented them the said agents from returning the said fugitives from labor to the custody and service of the said plaintiff in the said State of Kentucky, as they had the lawful right to do and otherwise would have done, to wit, at the village of Marshall aforesaid; by means of which said premises he the said plaintiff has been and is greatly injured and deprived of the work and service of all the said fugitives from labor so rescued from his said agents by the said defendants as aforesaid.

And for that whereas heretofore to wit, on the first day of August in the year of our Lord one thousand eight hundred and forty three, the said plaintiff being a citizen of the State of Kentucky where slavery and the servile relation is recognised by law, owned, kept and legally had in his possession, custody and employ six other persons commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite who, by the Constitution and laws of the said state of Kentucky were bound to labor for, and serve him the said plaintiff and whose labor and service the said plaintiff had, and still has the legal interest in and the sole right of directing and controlling, which said persons so held to labor and service by the said plaintiff as aforesaid, afterwards to wit, on the fifth day of August in the year aforesaid, unlawfully and without the knowledge or consent of him the said plaintiff absconded and escaped from the said plaintiff and his service; and afterwards to wit, on the first day of December in the year last aforesaid came into the village of Marshall, in the county of Calhoun and state of Michigan, where they the said persons so absconding and escaping as aforesaid and by reason of such absconding and escaping became and were then and there fugitives from labor. And whereas also afterwards to wit, on the twenty seventh day of January in the year of our Lord one thousand eight hundred and forty seven the said plaintiff by Francis Troutman, David Giltner, Franklin Ford and James S. Lee his lawfully constituted agents pursued the said fugitives from labor, so absconding and coming into the village of Marshall as aforesaid, and then and there on the day and year last aforesaid, and at the village aforesaid undertook and attempted to reclaim and sieze the said fugitives from labor for the purpose of taking them before one Francis W. Shearman a Justice of the Peace in said village where such attempt to reclaim and sieze was so made, in order to adduce the necessary proof and obtain from said Justice of the Peace such certificate as required by law to enable the said agents in a lawful manner to return the said fugitives from labor back to the said plaintiff again in the said state of Kentucky, from whose service and custody they unlawfully absconded and escaped as aforesaid; the said Justice of the Peace having competent power and authority to hear such proof and make such certificate. Yet the said defendants well knowing the premises but wrongfully and injuriously contriving and intending to injure the said plaintiff and to deprive him of the possession use and benefit of all the said fugitives from labor, so absconding and escaping as aforesaid afterwards, and after they the said defendants had notice of said persons being such fugitives from labor and that said Francis Troutman, David Giltner, Franklin Ford and James S. Lee were the lawfully constituted agents of the said plaintiff as aforesaid to wit, on the day and year and at the village last aforesaid, with force and arms, hindered and prevented the said agents of the said plaintiff from reclaiming and seizing the said fugitives from labor, for the purposes aforesaid which the said agents of the said plaintiff had the lawful right to do and otherwise would have done, whereby and by means of the premises aforesaid the said plaintiff hath lost the said fugitives so by him legally held to labor and service as aforesaid and hath been and is thereby unlawfully deprived of the labor and service of all of said fugitives; which said labor and service was and is to him the said plaintiff of great value to wit, of the value of four thousand dollars.

And for that whereas heretofore to wit: On the first day of August, in the year of our Lord one thousand eight hundred and forty-three, the said plaintiff being a citizen of the state of Kentucky, where slavery and the servile relation is legalized, owned, kept, and lawfully had in his custody, possession and employ, six other persons commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, who by the constitution and laws of the said state of Kentucky were lawfully bound to labor for, and serve him the said plaintiff, and whose labor and service, he the said plaintiff had and still has the legal interest in, and the sole right of directing and controlling, to wit: at Carroll county in the said state of Kentucky; which said persons so held to labor and service by the said plaintiff as aforesaid afterwards to wit, on the fifth day of August, in the year last aforesaid, unlawfully and without the knowledge or consent of the said plaintiff, absconded and escaped from him the said plaintiff, and from his the said plaintiff's service and business and afterwards to wit: On the tenth day of December in the year last aforesaid came into the village of Marshall, in the county of Calhoun and state of Michigan, where they the said persons so absconding and escaping from the said plaintiff and from his labor and service as aforesaid and by reason of such absconding and escaping became and were then and there fugitives from the labor and service of the said plaintiff. And whereas also afterwards to wit: On the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and forty-seven, the said plaintiff by Francis Troutman, David Giltner, Franklin Ford, and James S. Lee, his lawfully constituted agents, pursued the said fugitives from the labor and service of the said plaintiff so absconding and coming into the village of Marshall as aforesaid, and then and there on the day and year last aforesaid and at the village aforesaid, undertook and attempted to recover, seize and arrest the said fugitives from labor and service, the said fugitives being then and there present, and take them before a justice of the Peace in said village for the purpose of adducing the necessary proof of said persons so absconding and escaping as aforesaid being such fugitives from the labor and service of the said plaintiff, and obtaining from such Justice of the Peace the proper certificate under the laws of the United States to enable the said agents of the said plaintiff lawfully to return the said fugitives again to the said state of Kentucky, and to the labor and service of the said plaintiff, from which said service they the said

fugitives had unlawfully absconded as aforesaid; such Justice of the Peace having legal power and authority to hear such proof and make such certificate. Yet the said defendants well knowing the premises, but wrongfully, unjustly and voluntarily contriving and intending to injure the said plaintiff, and to deprive him the said plaintiff of the use, benefit, service and labor of all the said fugitives so absconding from his possession, custody, control and business as aforesaid, afterwards, and after they the said defendants had notice of said persons so absconding from the said plaintiff as aforesaid, being such fugitives from labor and service, and the said Francis Troutman, David Giltner, Franklin Ford and James S. Lee being such agents of the said plaintiff, as aforesaid, to wit: On the day and year, and at the village last aforesaid, knowingly, intentionally and willfully interfered, obstructed and hindered the said agents of the said plaintiff in recovering and seizing the said fugitives from labor and service aforesaid, for the purposes aforesaid; which the said agents of the said plaintiff had the lawful right to do, and otherwise would have done. Whereby and by means of the premises, the said plaintiff lost the said fugitives so by him lawfully held to labor and service as aforesaid, and hath been and is thereby unlawfully deprived of the labor and service of all the said fugitives; which said labor and service was and is to him the said plaintiff of great value, to wit, of the value of four thousand dollars.

And for that whereas heretofore to wit: On the first day of August in the year of our Lord one thousand eight hundred and forty-three, the said plaintiff being a citizen of the State of Kentucky where slavery and the servile relation is recognized and tolerated by law, owned and lawfully had in his possession, custody and business, six other persons commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, who by the constitution and laws of the United States, and the constitution and laws of the said State of Kentucky, were lawfully bound to labor for, and serve him the said plaintiff, and whose labor and service he the said plaintiff had and still has the lawful interest in, and the sole right of directing and controling to wit: at Carroll county in the said State of Kentucky; which said persons so held to labor and service by the said plaintiff as aforesaid, afterwards to wit: on the fifth day of August in the year last aforesaid, unlawfully and without the knowledge or consent of the said plaintiff absconded and escaped out of the said State of Kentucky and from the custody, possession, labor and service of the said plaintiff and afterwards to wit, on the fifteenth day of December, in the year last aforesaid, came into the village of Marshall in the county of Calhoun and State of Michigan, where the said persons so absconding and escaping from the said State of Kentucky and from the custody and possession of the said plaintiff as aforesaid and by reason of said absconding and escaping became and were then and there on the day and year, and at the village aforesaid fugitives from the labor and service of the said plaintiff. And whereas also afterwards, to wit: on the twenty-seventh day of January in the year of our Lord one thousand eight hundred and forty-seven, the said plaintiff by Francis Troutman, David Giltner, Franklin Ford, and James S. Lee, his agents for that purpose, pursued the said fugitives from labor and service to the said village of Marshall, where they the said agents then and there on the day and year last aforesaid and at the village aforesaid undertook to seize the said fugitives from labor and service and to take them before a magistrate of the said county of Calhoun wherein such seizure was so undertaken for the lawful purpose of making proof to the satisfaction of such magistrate that said persons which they the said agents then and there undertook to seize as aforesaid did under the laws of the said State of Kentucky owe service to the said plaintiff and obtaining from such magistrate a certificate thereof as a sufficient warrant for removing the said fugitives from labor to the said State of Kentucky from which they fled; such magistrate having competent power and authority to hear such proof and give such certificate. Yet the said defendants well knowing the premises, but wrongfully, unjustly and unlawfully contriving and intending to injure the said plaintiff and to prevent the said fugitives from being so seized by his said agents as aforesaid and for the purposes aforesaid, afterwards and after they the said defendants had notice that said persons, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite were such fugitives from labor, and the said Francis Troutman, David Giltner, Franklin Ford, and James S. Lee, were such agents of the said plaintiff as aforesaid to wit, on the day and year, and at the village last aforesaid, did, knowingly and willingly obstruct the said agents of the said plaintiff in so seizing the said fugitives from labor. Whereby and by means of the premises and such knowing and willing obstruction on the part of said defendants, the said plaintiff lost the said fugitives from labor, and hath been and is thereby unlawfully deprived of their labor and service, which said labor and service was and is of great value to wit of the value of four thousand dollars.

And for that whereas heretofore to wit: On the first day of August, in the year of our Lord one thousand eight hundred and forty-three, the said plaintiff being a citizen of the State of Kentucky where slavery and the servile relation is tolerated and established by law, owned and lawfully had in his possession, custody and business, six other persons commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjaman Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, who by the constitution and laws of the United States and the constitution and laws of the said State of Kentucky were bound to labor for, and serve him the said plaintiff, and whose labor and service, he the said plaintiff had and still has the only lawful interest in, and the sole right of directing and controlling to wit, at Carroll county in the said state of Kentucky; which said persons so held to labor and service by the said plaintiff as aforesaid afterwards to wit, on the fifth day of August in the year last aforesaid, unlawfully and without the license and consent of the said plaintiff, absconded and escaped out of the said State of Kentucky, and from the possession, custody, labor and business of the said plaintiff and afterwards to wit: on the fifteenth day of December in the year last aforesaid came into the village of Marshall in the county of Calhoun and State of Michigan; where the said persons so absconding and escaping as aforesaid and by reason of said absconding and escaping became and were then and there on the day and year, and at the village last aforesaid fugitives from labor. And whereas also afterwards to wit: On the twenty-seventh day of January in the year of our Lord one thousand eight hundred and forty-seven, the said plaintiff by Francis Troutman, David Giltner, Franklin Ford and James S. Lee, his lawful agents pursued the said fugitives from labor to the said village of Marshall, with the *bona fide* intention to reclaim, seize, and take them, the said fugitives from labor, before Francis W. Shearman a magistrate in said village, where said fugitives from labor then were and where said seizure was so intended for the purpose of making proof to the satisfaction

of said magistrate, that said persons which said agents then and there so intended to seize, did under the laws of the said State of Kentucky owe service to the said plaintiff, and obtaining from said magistrate a certificate thereof as a sufficient warrant for removing the said fugitives from labor to the said State of Kentucky from which they fled: said magistrate having competent power and authority to hear such proof and give such certificate. Yet the said defendants well knowing the premises, but wrongfully, injuriously and unlawfully contriving and intending to injure the said plaintiff and to prevent the said fugitives from being seized and removed to the said State of Kentucky, afterwards, and after they said defendants had notice that said persons, viz. Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were such fugitives from labor, and the said Francis Troutman, David Giltner, Franklin Ford, and James S. Lee such agents of the said plaintiff as aforesaid, to wit on the day and year, and at the village last aforesaid, did knowingly and willingly harbor the said fugitives from labor. Whereby and by means of the premises and such harboring on the part of said defendants, the said plaintiff lost the said fugitives from labor and hath been and still is deprived of their labor and service, which said labor and service was and is of great value, to wit, of the value of four thousand dollars.

and contrary to the statute of the United States in such case made and provided

And for that whereas heretofore to wit: On the fourth day of August in the year of our Lord one thousand eight hundred and forty-three the said plaintiff being a citizen of the State of Kentucky where slavery and the servile relation is tolerated and established by law, owned and lawfully had in his possession, custody and business, six other persons commonly called slaves, viz: Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, who by the constitution and laws of the United States and the constitution and laws of the said State of Kentucky were bound to labor for, and serve him the said plaintiff, and whose labor and service, he, the said plaintiff had and still has the only lawful interest in, and the sole right of directing and controlling to wit, at Carroll county in the said State of Kentucky; which said persons so held to labor and service by the said plaintiff as aforesaid afterwards to wit, on the fifth day of August in the year last aforesaid, unlawfully and without the license or consent of the said plaintiff, absconded and escaped out of the said State of Kentucky, and from the possession, custody, labor and business of the said plaintiff and afterwards to wit: on the fifteenth day of December in the year last aforesaid came into the village of Marshall in the county of Calhoun and state of Michigan; where the said persons so absconding and escaping as aforesaid and by reason of said absconding and escaping became and were then and there on the day and year, and at the village last aforesaid fugitives from labor. And whereas also afterwards to wit: On the twenty-seventh day of January in the year of our Lord one thousand eight hundred and forty-seven, the said plaintiff by Francis Troutman, David Giltner, Franklin Ford and James S. Lee his lawful agents pursued the said fugitives from labor to the said village of Marshall, with the *bona fide* intention to reclaim, seize and take them, the said fugitives from labor, before a magistrate in said village where said fugitives from labor then were and where said seizure was so intended, for the purpose of making proof to the satisfaction of such magistrate. that said persons which said agents then and there so intended to seize, did under the laws of the said State of Kentucky owe service to the said plaintiff, and obtaining from such magistrate a certificate thereof as a sufficient warrant for removing the said fugitives from labor to the said State of Kentucky from which they fled; said magistrate having competent power and authority to hear such proof and give such certificate. Yet the said defendants well knowing the premises, but wrongfully, injuriously and unlawfully contriving and intending to injure the said plaintiff and to prevent the said fugitives from being seized and removed to the said State of Kentucky, afterwards, and after they the said defendants had notice, that said persons, viz. Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite were such fugitives from labor, and the said Francis Troutman, David Giltner, Franklin Ford and James S. Lee such agents of the said plaintiff as aforesaid, to wit, on the day and year, and at the village aforesaid, did knowingly and willingly secrete the said fugitives from labor. Whereby and by means of the premises and such secreting on the part of said defendants as aforesaid the said plaintiff lost the said fugitives from labor, and hath been and still is deprived of their labor and services, which said service and labor was and is of great value, to wit, of the value of four thousand dollars. To the damage of the said plaintiff of four thousand five hundred dollars and therefore he brings his suit &c.

and contrary to the statute of the said United States in such case made and provided

PRATT & CRARY, Att'ys for Pl'ptff.

DISTRICT OF MICHIGAN, ss:

Francis Giltner, plaintiff in this suit puts in his place Pratt & Crary, his attorneys against the defendants in this same suit, and who are named in the foregoing declaration of a plea of trespass on the case.

Filed June 1st 1847.

Interrogatories to be administered to David Giltner, Francis Ford and James S. Lee witnesses to be produced, sworn & examined on the part and behalf of Francis Giltner Plaintiff in a certain Cause now depending against Charles P. Gorham, Oliver C. Comstock Junior, Jarvis Hyrd, Planter Mosh. William Parker, Charles Bergen. and James Smith Defendants in the Circuit Court of the United States for the Seventh Circuit and District of Michigan under and by virtue of a Commission issuing out of the said Court under the Seal thereof and thereunto attached. —

Imprimis. Do you know the Parties Plaintiff and Defendants in the title of these interrogatories named, or either and which of them and how long & where have you known them or either and which of them? Declare. —

Secondly. What is your age and occupation and where do you reside; if in the State of Kentucky how long have there resided? Declare all the facts. —

Thirdly. Are you a relative of the said Plaintiff in this Cause and if so what is the relation existing? Declare.

Fourthly. Where does the Plaintiff reside and how long have you known him at his present

place of Residence and have you known his family and Servants generally since your acquaintance with him? Declare.

Fifthly. Do you know whether the said Plaintiff owned and had in his Possession and under his Control at any time during the year of our Lord 1843 & Prior to that year any African Slaves by the name of Crop-white, And if so how many and what were their respective Christian names and ages? Declare Particularly.

Sixthly. Do you know whether said African Slaves Mentioned in the 5th interrogatory absconded and escaped from the said Plaintiff; And if so when? Declare your knowledge on the Subject Particularly.

Seventhly. Was you employed by the said Plaintiff to Pursue the said Slaves, to reclaim them, and Bring them back again to the Possession of the said Plaintiff; And if so how and in what Manner was you so employed, how far did you Pursue said Slaves, and did you succeed in finding or reclaiming them? Declare Particularly the facts. -

Eighthly. Was you at any time during the fall of 1846 or the winter of 1846 & 47 employed by the said Plaintiff to go to Marshall in the County of Calhoun and State of Michigan to assist Francis Troutman

in reclaiming the said Slaves; And if so did you go; and at what time did you arrive at the said Village of Marshall. How and by what means was you so employed; who paid your expenses; and who paid you for your time and services? Declare the facts.

Ninethly. Did you on your arrival at the said Village of Marshall meet the said Village of Marshall the said Francis Fontman; And if so, did you go with him to a certain house in said Village with the intention of seizing the said Slaves; And if yea then on what day and at what hour in the day did you go, who went with you and did you find the said Slaves there at said house; and if so, what was then and there said and done in relation to the seizure of said Slaves. And did any other persons appear there at said house and if yea how many, who were they and were any of them Armed with deadly weapons. Did the Defendants or any of them appear there at said house and if so, at what time; how long did they or any of them remain there. What was done or said by the said Defendants or any of them while there at said house. Did you take the said Slaves or any of them away; if nay then why; what was done or said and

By whom, if any thing, to Prevent you. How long was you at said House; why did you go away, and where did you go. What was done with you if any thing And By whom on that and the next Succeeding day? Declare all the facts fully & Particularly.

Tenthly. Did you after leaving said House where you found said Slaves See them again after that day, and if so, where, And under what Circumstances, And if Nay, why did you Not See them again, what Became of them? Declare fully your knowledge on the Subject.

Eleventhly. Did you after leaving the House where you found said Slaves, See the said Defendants or Any of them again On that day, And if yea, where And which of them And what did they Say or do in relation to the recapture of said Slaves, if any thing, On that, or the two Succeeding days? Declare all the facts Particularly.

Twelfthly. Was you arrested And Brought before Randall Hobert a Justice of the Peace while in the said Village of Marshall And if So, when for what, who was implea-ded with you if any Person. And did the said Justice render a judgement Against you, And if yea for what Amount and did you Bear the said Justice after

the rendition of such judgment expressed any regrets that his jurisdiction was no greater And if yea, what did he say on that subject? Declare particularly.

Thirteenthly. Do you know the Value of Slaves in the said State of Kentucky, And if yea, What would the aforesaid Slaves have been worth in Carroll County Kentucky in the Month of January 1847. or about that time? State particularly their Value respectively.—

Lastly. Do you know of any other matter or thing touching the matters in question in this cause, that may tend to the benefit and advantage of the said Plaintiff Resided what you have been interrogated unto, and if So declare the facts.

Interrogatories to be administered to Michael Siltner a witness to be produced, sworn and examined on the part and behalf of Francis Siltner Plaintiff in a certain Cause now depending against Charles P. Gorham, Oliver Comstock Junior, Jarvis Hurd, Planter Moss, William Parker, Charles Berger & James Smith Defendants in the Circuit Court of the United States for the Seventh Circuit and District of Michigan, Under and by virtue of a commission issuing out of the said Court Under the Seal thereof and thereunto attached. —

Imprimis. Do you know the Parties Plaintiff and Defendants in the title of these interrogatories named or either and which of them and how long & where have you known them or either of them? Declare.

Secondly. What is your age and occupation; where do you reside; And if in Kentucky, how long have you there resided; And are you said to be a son of the Plaintiff and if so how far do you reside from him? Declare all the facts.

Thirdly. Do you know whether the said Plaintiff owned and had in his possession and under his control at anytime during the year 1843 & Prior to that year any african Slaves by the name of Cop[illegible]white

And if yea, how many and what were their respective christian names and ages? Declare particularly.

Fourthly. Do you know whether said African Slaves Mentioned in the last preceding interrogatory absconded and escaped from the said Plaintiff; And if so, when? Declare the facts particularly.

Fifthly. Do you know whether the said Plaintiff employed Francis Ford and James Lee to go to the Village of Marshall in the County of Calhoun & State of Michigan to assist Francis Troutman in seizing and returning said Slaves, And if yea, when And by what means or agency were they so employed? Declare the facts particularly. —

Sixthly. Do you know the value of Slaves in Kentucky And if yea, what would ~~have been~~ the aforesaid Slaves have been worth in Carroll County in that State in the Month of January 1847 or about that time? Declare their value respectively.

Lastly Do you know of any other matter or thing touching the matters in question in this cause Besides what you have been interrogated unto? Declare. —

Interrogatories to be administered to George Fearn, Samuel Fearn and Moses P. Hoglund Witnesses to be produced, sworn and examined on the part and behalf of Francis Silliver Plaintiff in a certain Cause now depending against Charles P. Gorham, Oliver C. Comstock Junior, David Hurd, Planter Mopt, William Parker, Charles Bergen and James Smith Defendants in the Circuit Court of the United States for the Seventh Circuit and District of Michigan under and by virtue of a commission issuing out of the said Court under the Seal thereof and thereunto attached.—

1st Primis. Do you know the parties Plaintiff and Defendants in the title of the ede interrogatories named or either, and which of them; And how long & where have you known them or either of them? Declare.

Secondly. What is your age and occupation; Where do you reside; And if in Kentucky how long have you there resided; and how far do you reside from the said Plaintiff? Declare.

Thirdly. Do you know whether the said Plff owned & had in his possession and under his control in the year 1843 and prior to that year any

African Slaves by the name of Crosswhite; and if yea how many and what were their respective christian names and ages? Declare particularly

Fourthly) Do you know the value of Slaves in Kentucky and if yea, then what would the aforesaid Slaves have been worth in Carroll County in that State in the month of January 1847 or about that time? Declare their value respectively.

Lastly- Do you know of any other matter or thing touching the matters in question in this cause besides what you have been interrogated unto? Declare.

Pratt & Crary
attys for Pltff

It is stipulated that the above interrogatories may be annexed to the Commission named therein subject to all legal objections on the trial — Sept. 14. 1848 —

Henry H. Emmons of Counsel for Defts
Graham, Comstock, Hunt & Parker
Wells & Cook
Of Counsel for Messrs. Bergen and Smith.

In the Circuit Court of the United States for the Seventh Circuit & District of Michigan

The President of the United States of America.

To William B. Winslow attorney at Law, Richard P. Butler Clerk of the Circuit Court of Carroll County & Lyman Martin Magistrate, all of Carrollton, Carroll County in the State of Kentucky Greeting:

Know ye that in confidence of your prudence and fidelity, the Circuit Court of the United States for the Seventh Circuit and District of Michigan have, by a rule entered on the Records thereof in a certain action in said Court depending and now at issue, between Francis Giltner, plaintiff, and Charles T. Gorham, Oliver C. Comstock Senior Jarvis Baird, Planter Mosh. William Parker, Charles Bergen, and James Smith defendants, Nominated and appointed, and do by these presents do nominate and appoint you, or either of you, and give unto you, or either of you, full power and authority to examine upon oath (or affirmation) Michael Giltner, David Giltner, James S. Lee, Francis Ford, Geoge Fearn, Samuel Fearn, and Moses T. Hoglane of the State of Kentucky, witness to be produced, and sworn and examined on the part and behalf of said Francis Giltner plaintiff, upon certain written interrogatories hereunto annexed; and we therefore command you, or either of you, that at a certain day and place, to be by you or either of you appointed, you do cause the said Michael Giltner, David Giltner James S. Lee, Francis Ford, Geoge Fearn and Moses T. Hoglund to come before you or either

of you, and then and there examine them and each of them on their oath (or affirmation) first taken before you or either of you, (which oath or affirmation either of you may administer) touching the matters and things referred to in said interrogatories; and that you cause the examination of said witness to be reduced to writing and to be subscribed by each witness, which examination is also to be certified by such of you as shall be present at the taking of the same. And when you shall have so taken the said depositions, you are to annex the same with any exhibits produced and proved before you, to this Commission; and to return the same into said Court according to the direction of this Commission And you are in all things to be governed in the premises by "Rule No. 62" (a copy of which is hereto annexed) of the Rules of said Court.

Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States of America this Sixth day of September in the year of our Lord One thousand Eight hundred and Forty Eight, and of the Independence of the said United States the Seventy Third.

Jno. Wilder Clerk

"allowed by consent of parties"

The above Commission to be returned by mail.

Jno. Wilder Clerk

The execution of this Commission appears by the depositions hereunto annexed.

Commissioner

The execution of this Commission appears by the depositions hereunto annexed.

Commissioner

Copy of rule ~~forty-nine~~ sixty two referred to in the annexed commission.

"The persons to whom such commission shall be directed, or any one of them, unless otherwise expressly directed therein, shall execute the same as follows:

First. They, or any of them, shall publicly administer an oath to the witnesses named in the commission, that the answers given by such witnesses to the interrogatories proposed to them shall be the truth, the whole truth and nothing but the truth.

Second. They shall cause the examination of each witness to be reduced to writing, and to be subscribed by him, and certified by such of the commissioners as are present at the taking of the same.

Third. If any *exhibits* are produced and proved before them, they shall be annexed to the depositions to which they relate, and shall, in like manner, be subscribed by the witness proving the same. (This section must be understood to refer to such papers as can be produced, upon the examination. If the paper referred to be a record, not subject to the control of the party or the commissioners, it will be sufficient to annex a copy, and the original may be produced on the trial, separate from the commission.)

Fourth. The commissioners, or commissioner, shall subscribe each sheet of the depositions, shall annex all the depositions and exhibits to the commission upon which the return shall be endorsed, and shall close them up, under their or his seals, and shall address the same, when so closed, to the clerk of the court from which the commission issued, at his place of residence.

Fifth. If there is a direction on the commission to return the same by mail, they, or he, shall immediately deposite the packet, so directed, in the nearest post-office.

Sixth. If there be direction on the commission to return the same by an agent of the party who sued out the same, the packet, so directed, shall be delivered to such agent.

Seventh. A copy of this rule must be annexed to every commission issued under these rules."

Further Instructions to the Commissioners—Mode of administering Oaths.

"The usual mode of administering oaths, now practised in this state, with the ceremony of holding up the hand, shall be observed in all cases, in which an oath may be administered by law, except as hereinafter provided:

When the court, magistrate, or other officer, before whom any person is to be sworn, shall be satisfied that such person has any peculiar mode of swearing, which is, in his opinion, more solemn or obligatory, than holding up the hand, they may adopt that mode of administering the oath.

"Every person conscientiously opposed to taking an oath, shall, when called on to take an oath, be permitted, instead of swearing, solemnly and sincerely to affirm, under the pains and penalties of perjury."

Every person may be sworn according to the peculiar ceremonies of his religion, if there be any such."—[Revised statutes of Michigan, part 3d, title II, chap. 4, sec. 7, 8, 9, and 11.]

The above instructions should be strictly pursued throughout.

The commission may be executed by any one of the commissioners without the others.

Administer the oath in the following form, if not objected to by the witness:

"You do solemnly swear, in the presence of Almighty God, that the answers given by you, to the interrogatories proposed to you, shall be the truth, the whole truth, and nothing but the truth—so help you God."

And in all cases certify the mode of administering the oath.

Prepare a caption to the deposition, as follows, viz:

Deposition of of
in the state of
aged years,
a witness, produced, sworn, and examined, on the
day of , A. D. 18 at
in said state of by virtue of a commission issued out of
the circuit court of the United States, for the Seventh Circuit & District ~~county, in the state~~ of Michigan,
on the day of , A. D., 18 and directed to us
(or me,)
or either of us, commissioners for the
examination of
witness in a cause depending and at issue in said court, between
plaintiff and
defendant on the part of said

Having read said commission, and the instructions thereto annexed, and having administered an oath to said witness, that the answers given by him to the interrogatories proposed to him should be the truth, the whole truth and nothing but the truth, I (or we,) proceeded to the examination as follows, viz:

of in the

state of aged and upwards, a witness produced, sworn, and examined on the part of the in said cause, deposeth as follows, viz:

First. To the first interrogatory, that, he

Second. To the second interrogatory, the deponent saith,

Under this head, and in this manner, you will proceed with the examination of the witness on all the interrogatories (and cross-interrogatories, if any,) taking down the answer to each. You will yourselves ask such questions arising on the interrogatories, as you deem necessary, in order to elicit the whole truth. If there be one or more interrogatories, to which the witness cannot depose, knowing nothing of the matters therein contained, let the answer be as follows:

"To the interrogatory, this deponent saith, that he knows nothing and can depose nothing, to the matters therein contained." The witness must subscribe his name to the deposition when engrossed, and on the margin of each sheet the commissioners will also write their names. At the bottom of the deposition, after it is signed by the witness, commissioners will add their certificate in substance as follows:—

STATE OF
County of } ss.

On the day day of , A. D., 18 , then in said county and state, personally appeared before us, and after having taken the oath prescribed in the instructions annexed to the commission mentioned in the caption to the above deposition, which oath was administered by and taken by said witness with uplifted hand, (*or by whatever other mode,*) declared that the foregoing deposition by him subscribed, contains the truth, the whole truth, and nothing but the truth; said witness residing without the state of Michigan. The deposition was reduced to writing by one of the commissioners, (or by a "disinterested person," in our presence) (or "by the witness himself.")

} *Commissioners.*

If any exhibits are offered and proved, add to the foregoing certificate as follows, to wit: "The paper writing hereto attached and marked as exhibit was produced and proved before us by the witness as by reference to his examination may appear."

When you have gone through with the witness, and his deposition is engrossed and subscribed by him, you will annex the interrogatories and deposition to the commission with tape, the tie of which you will seal, and write and subscribe on the back of the commission the following return:

"The execution of the commission appears in certain schedules hereunto annexed.

} *Commissioners.*"

When the whole is completed, and tacked together, as above directed, enclose it in a letter, or package, seal it and direct as follows, viz:

To John Wesley Esquire,
Clerk of the Circuit Court, of the U.S.
Michigan District of
Detroit
Michigan.

The within deposition of to be read in a cause pending before the Circuit Court of was taken and sealed up by

} *Commissioners.*

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20
1240

Circuit Court of the U.S
District of Michigan

Francis Giltner

vs

Charles T. Gerhaun
et al

Commission to take
testimony.

"To be returned by mail"
Jno. Linden Clerk

Deposition of Georg. Fearn of the County of Carroll and State of Kentucky, aged fifty six ~~years~~ years, a witness produced, sworn, and examined on the 29th day of September A. D. 1848 at the house of Michael Giltner in the town of Carrollton in said State of Kentucky, by virtue of a commission issued out of the Circuit Court of the United States for the Seventh Circuit and District of Michigan, on the Sixth day of September A. D. 1848 and directed to us William B. Winslow, Richard P. Butler & Lyman Martin or either of us, Commissioners for the examination of George Fearn, Samuel Fearn, Moses T. Hogland, Michael Giltner, David Giltner, Francis Ford, & James D. Lee, witnesses in a cause depending and at issue in said Court between Francis Giltner plaintiff and Charles T. Gorham, Oliver C. Comstock junior, Lewis Heard, Planter Moss, William Parker Charles Bergen & James Smith defendants, on the part of said plaintiff

Having read said commission and the instructions thereto annexed and having administered an oath to said witness that the answers given by him to the interrogatories proposed to him should be the truth, the whole truth and nothing but the truth, I proceeded to the examination as follows viz.

George Fearn of the County of Carroll and State of Kentucky, aged fifty years and upwards a witness produced, sworn and examined on the part of the plaintiff in said cause deposeth as follows viz.

First. To the first interrogatory that he is personally acquainted with plaintiff, but

Lyman Martin Commissioner

doesnot know the defendants, he has known plaintiff for about twenty years, lives a near neighbour to him, in the County of Carroll and State of Kentucky, he is about fifty Six years of age, his occupation is that of farming, has resided in Kentucky about forty Seven years, and for about 20 years within two miles of plaintiff. and ~~is~~ and has been intimately acquainted with the plaintiff for 20 years

Third. To the third interrogatory the deponent Saith That he knew that the plaintiff owned and had in his possession and under his control in the year of 1843 and prior to that time a number of African Slaves, and of that number were Adam Crosswhite, his wife Sarah Crosswhite and 4 or 5 children of said Adam & Sarah whose names and ages he does not exactly Recollect

Forth. To the fourth interrogatory the deponent Saith He is the owner of Slaves, and is acquainted with the value of Slaves in Kentucky He Says Adam was worth five hundred dollars and Sarah was worth three hundred dollars, in January 1847 he has not a Sufficient recollection of the boys and the girl to value them, he Says that Slaves who have absconded to a free State and have afterwards been Reclaimed will Sell in Kentucky for as much money as if they had never run away from their Masters

as if they
their Masters

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He states that Adam Crossthite his wife Sarah, and 4 or 5 of their children, all Slaves of, and in possession of, and under control of said plaintiff, did abscond from the possession of said plaintiff some time in the Summer of 1843 and have not since been Restored to his possession in Kentucky

Fifth, To the fifth interrogatory deponent Saith That he does not know that he is in possession of any other facts which relate to the issue of the parties.

and farther this deponent Saith not

Geo. D Fearn

3

Also the deposition of Moses T Hogland taken at the same time and place and for the same purpose as stated in the above caption, Deponent being of the age of Sixty nine, of the County of Carroll and State of Kentucky, a witness, produced, sworn and examined on the part of plaintiff in said cause deposeth as follows viz

First, To the first interrogatory He states that he is personally and intimately acquainted with Frances Lilther the plaintiff in said cause, but does not know the defendants He has known pltff in Hunters bottom in the County of Carroll and State of Kentucky intimately for 28 years

Lyman Martin Commissioner

Secondly To the Third interrogatory the deponent saith That his age is sixty nine, and his occupation that of farming, That he has resided in Kentucky for the last forty eight years and all the time where he now resides in the County of Carroll and State of Kentucky, and within one mile of the residence of Francis Giltner (plaintiff)

Thirdly. To the third interrogatory deponent saith That he personally knew Adam, Sarah John A. Benjamin Franklin, Cyrus Jackson and Lucretia Crosswhite, and that he knew them to be the slaves of plaintiff in 1843 and prior to that time, That they were held by plaintiff in his possession and under his control as african slaves. He states that he (deponent) was frequently called to the house of Plaintiff to give medicine to said slaves and generally to the slaves of plaintiff — He does not recollect with accuracy the ages of said slaves the (Crosswhite family) He states that John, Ben, Cyrus & Lucretia were the children of Adam and Sarah Crosswhite

Fourthly, To the fourth interrogatory the deponent saith That Slaves in 1847 sold in Kentucky for a higher price than for a few years previous, That Adam Crosswhite would or could have been sold in Kentucky in 1847 in the month of January for the sum of from five to five hundred and fifty dollars — Sarah was worth from

fifty dollars — Sarah

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Two hundred & fifty to three hundred dollars, Deponent States that John, Ben & Cyrus. would have sold in Kentucky in January 1847 for from five to five hundred and fifty dollars each, That boys from ten to fifteen years of age were worth from five hundred to five hundred and fifty dollars in Kentucky in January 1847 He States that Slaves who have absconded and become fugitive slaves for 3 or 4. years and have been recaptured and been brought back to their owners, will sell for as much as if they had not been fugitive slaves, especially provided they are sold at public auction, That Slaves would sell something higher in the interior of Kentucky than immediately upon the Ohio River That Lucretia was worth in January 1847 about three Hundred dollars,

Fifthly. To the fifth and last interrogatory deponent saith, That he knows that the said Crosswhite family of Slaves did abscond from the possession of Francis Giltner plaintiff in the suppliment and that they have not since that time been reduced to his possession in Kentucky,

And farther deponent saith not

Thos J. Hoagland

Lyman Marsh Commissioner

Also the deposition of Samuel Fearn taken at the same time and place and for the same purpose as stated in the foregoing caption Deponent being of the age of forty two, of the County of Carroll and State of ~~County~~ Kentucky a witness produced, sworn, and examined on the part of plaintiff in said cause deposeth as follows viz

First. To the first interrogatory he states that he is well acquainted with Francis Gilther plaintiff, that he has known plaintiff for the last twenty seven or eight years that he and plaintiff both lives in Carroll County Kentucky and in the same neighborhood,

Second To the second interrogatory deponent saith that he is about forty two years old and is a farmer, has resided in the same neighbourhood where he now lives for the last forty two years, that he resides about two miles from the residence of plaintiff

Third To the third interrogatory deponent saith that plaintiff (Francis Gilther) owned & had in his possession and under his control in the year of 1843 and prior to that time african Slaves of the following names towit Adam Crosswhite & Sarah Crosswhite and their three Sons John, Benjamin & Cyrus and their daughter Lucretia Crosswhite Adam is about forty two years old at this time ~~Sarah about~~ Could not judge correctly of the ages of the balance of them,

of the

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Forth. To the fourth interrogatory deponent Saith That he is the owner of Slaves and has some knowledge of the value of Slave property, He States that in January 1847 the said Adam Crosswhite could have been sold in Carroll County Kentucky for from five to five Hundred and fifty dollars, his wife Sarah for at least three hundred dollars, his three Sons John, Ben, & Cyrus for from five to five hundred and fifty dollars each, that boys of the age of from ten to fifteen years old would have sold for said sums., That said boys were very sensible, active smart boys and would have sold for the highest Kentucky price, That Lucretia who was from seven to nine years old could have been sold for three hundred dollars in Carroll County Kentucky in January 1847 Deponent States that the said Crosswhite family of Slaves could have been sold in Carroll County Kentucky after their recapture at Marshall in Michigan in the Spring of 1847 for as much as if they had never absconded from their owner,, That fugitive Slaves when brought back into Kentuck are not sold at a sacrafice but sell for as much as any others, they sell according to their ability to perform labour — and farther deponent Saith not

Samuel Hearn

Lyman Master Commissioner

Also the deposition of Michael Geltner taken at the same time and place and for the same purpose as stated in the foregoing Caption, Deponent being of the age of forty seven and resident of the town of Carrollton, County of Carroll, State of Kentucky, a witness, produced, sworn & examined on the part of plaintiff in said Cause, deposeth and saith as follows, towit.

First. To the first interrogatory he saith That he does not know the defendants in the title of there interrogatories named. That he does know the plaintiff in said cause, That he is reputed to be a son of the plaintiff, has known him during the whole life of deponent, has lived near neighbour to him and frequently visited him for thirty years,

Second. To the second interrogatory deponent saith His age is about forty seven, his occupation is that of Keeping public entertainment, lumberyard Ferry across the Rivers of the Ohio & Kentucky and farming and justice of the peace, resides in Carrollton, Carroll County, Kentucky, about eight miles from plaintiff —

Third. To the third interrogatory Deponent states that in 1843 and long prior to that time plaintiff owned and had in his possession and under his control six Slaves called africa slaves, of the name of Crosswhite, towit Adam & his wife (Sarah,) John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia Crosswhite, the last four are children of the two first named, Adam is about forty two years of age, Sarah some few years older, John Anthony is at this time between 16 & 17 years old, Ben Franklin between 14 & 15, Cyrus Jackson between 13 & 14,

is at ... between 14 & 15, Cyrus ...

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& Lucretia between 11 and 12 years,

Fourth. To the fourth interrogatory deponent Saith That the said Crosswhite family of Slaves did abscond and escape from the service and possession of the plaintiff on or about the night of the 5th of August 1843 and that too without the knowledge or consent of the plaintiff,

Fifth. To the fifth interrogatory deponent Saith That he knows that said Francis Ford & James S Lee were employed by plaintiff, through the instrumentality of this deponent, That they were employed and directed by this deponent to go to the village of Marshall in Calhoun Co Michigan to meet with, and to aid and assist Francis Troutman in seizing ~~upon~~ the said fugitive Slaves, and in bringing them back to the possession of plaintiff,

That deponent was authorized by plaintiff to employ suitable persons to aid said Troutman in the recapture of said fugitive Slaves, and pursuant to that authority he did employ said Lee and Ford and they started in Company with David Giltner who was also employed by plaintiff, from the house of Deponent,

That Deponent was present when plaintiff employed and directed said Troutman to go in pursuit of said Slaves, and at the same time deponent was authorized to correspond with said Troutman for the plaintiff while he was in pursuit of the said Slaves, That deponent received a letter from said Troutman some time after he

Lyman Martin Commissioner

started on pursuit, in which he informed us that he wanted aid in the way of men and money, Deponent immediately took the letter to plaintiff, and was then authorized as above; That plaintiff did furnish money to David Gittner to pay the traveling expenses of said Ford & Lee as well as for himself, and for said Troutman, and for all expenses which might accrue in the pursuit and Recapture and Return of said slaves. — That while said Troutman was in pursuit of said slaves in the State of Michigan deponent was directed to send money of the plaintiff to said Troutman by mail which he did.

Sixth To the sixth interrogatory deponent saith That he is acquainted with the value of slave property in Kentucky, that he saw many sold in different parts of the state in the Spring of 1847, That in his judgement Adam could have been sold in Carroll Co Kentucky in January 1847 for six hundred dollars Sarah for three hundred dollars, Lucretia for three hundred dollars, John Anthony for six hundred and Ben & Cyrus for five hundred each

Lastly To the last and general interrogatory deponent saith, That fugitive slaves who have been recaptured and brought back from the free states to their owners will sell for as much as if they had never escaped, That deponent has never heard of an instance of any Reclaimed fugitive slave being sold at a sacrifice and farther deponent saith not Michael Gittner

{ on the 30th Sept 1848

Also the deposition of David Giltner taken at the same ~~time and~~ place and for the same purpose as stated in the foregoing caption, Deponent being of the age of about thirty years and a Resident of Carroll Co. Kentucky, a witness produced, Sworn and examined on the part of the plaintiff in said Cause deposeth and saith as follows viz.

First - To the first interrogatory deponent saith That he knows the Plaintiff (Francis Giltner) That he has seen the defendents, but his acquaintance with them is limited, has known plaintiff ever since his first Recollection of any thing, in the County of Carroll in The State of Kentucky, That he always has, and still does reside with the plaintiff,
That he saw the defendants for the first time in the village of Marshall, County of Calhoun in the State of Michigan on the 27th, 28th & 29th days of January 1847. That he again saw three of Defendants to wit, Charles J. Gorham, Jarvis Herd & O. C. Comstock Junior, at the City of Detroit in the months of June & July last,

Second - To the second interrogatory deponent saith, That his age is about thirty years, occupation that of farming, Resids at the house of Plaintiff in the County of Carroll in the State of Kentucky, and has never resided any where else, except for about two of the first years of his life in the County of Bourbon in Kentuck, where his father (Plaintiff) then resided.

Laymen Martin Commissioner

Third. To the third interrogatory deponent Saith That he ~~is~~ is a son of the plaintiff

Fourth. To the fourth interrogatory deponent Saith That the plaintiff Resides in Carroll Co Ky, That he has Resided in said County at the same place where he now Resides for more than twenty five years within the knowledge of deponent, That deponent has always known all the family of plaintiff for the last twenty years both white and black, free and slave.

Fifth. To the fifth interrogatory deponent Saith That he knows that plaintiff did ~~in~~ on the year of our Lord 1843, and perior to that time own and have in his possession and under his control african slaves by the name of Crosswhite, to wit Adam, Sarah (his wife), John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, children of said Adam and Sarah, That John is of the age of about seventeen years Benjamin about fifteen, Cyrus about thirteen and Lucretia about ten ~~or eleven~~ years. -

Sixthly To the sixth interrogatory deponent Saith That he knows that the said slaves named in the fifth interrogatory did abscond and escape on the night of the fifth of august 1843 from the possession of the plaintiff in Carroll County, Kentucky

Seventhly, To the seventh interrogatory deponent Saith That he and Francis Troutman together with 5 or 6 other gentlemen were employed by plaintiff

~~To the third interrogatory deponent Saith That he is employed by the plaintiff~~

in a very few days after the escape of said Slaves, and by him directed to pursue and Reclaim the said Slaves, That deponent did pursue said Slaves for some days into the State of Indiana, but did not find them, and consequently returned to Ky without them

Eighthly. To the eighth interrogatory deponent saith That in the month of January 1847 he was employed by plaintiff and by him directed to go to the town of Marshall to meet with and to aid Francis Troutman in Reclaiming the said fugitive Slaves in the town of Marshall County of Calhoun in the State of Michigan or wheresoever they might be found. That deponent did, pursuant to the authority from plaintiff go to, and on the morning of the 26th January 1847 arrive in the said town of Marshall, in company with James D. Lee & Franklin Ford who were also sent with me by direction of the plaintiff and for the same purpose to wit to aid said Troutman in seizing and Reclaiming said Slaves for plaintiff. That deponent received money from plaintiff before starting to said town of Marshall, and was directed by plaintiff to use it in paying the expenses of himself, said Ford & Lee, and Troutman, that all the money thus used for expenses and paid for services was furnished by plaintiff,

Ninthly. To the ninth interrogatory deponent saith That he did meet said Troutman on his arrival at the said village of Marshall, and That he did go with said Troutman by his

Lyman Marston Commissioner

Request to a house in the village of Marshal with the intention of seizing and arresting the said Slaves, That on the morning of the 27th January 1847 deponent, James D. Lee. Franklin Ford, H. M. Dixon & Francis Troutman went to a house in the village of Marshall, County of Calhoun in the State of Michigan, That Deponent and Co. in and about said house found said fugitive Slaves to wit, Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite Cyrus Jackson Crosswhite & Lucretia Crosswhite which Slaves were the property of said plaintiff and the same Slaves who had absconded and escaped from plaintiff in august 1843, That when depn and Co arrived near to said house, said Adam & John came out of the door of said house and went in different directions, That deponent was directed by said Troutman to overtake and seize said John, which he did and Ford & Lee were directed by said Troutman to overtake and seize and arrest Adam which they did, and both Adam and John were arrested and brought to the house and by direction of Troutman placed in the house, That Troutman directed said Slaves to go with us to the office of Squire Shearman that we might prove property & That he told them that ~~we~~ Troutman and Company were sent by the plaintiff to seize and

arrest them as fugitive Slaves, That while we were trying to get the Slaves to the Justices office a large number of persons came to the house and interfered to prevent our taking them away, That some of them were armed, That he saw Parker one of defendants on the ground, near the house, and in the Croud with a gun in his hands, That he saw Smith (defendent) draw a Club in a striking position and advance upon Troutman, using menaces and threats, he was stoped by Dixon and others, That he saw Bergen (deft) advance upon Troutman manifesting great excitement and threatning him, That he saw Porter Moss draw his coat in the house and say to the said Slaves that he would defend them, would go into the fight, and that there would soon be others there to defend them. That he saw Gorham on the ground, in the Croud and in front of the house and heard him use expressions to Troutman in opposition to taking the Slaves, to wit (Crosswhite family) heard him tell Troutman to write his name in Capitol letters and bear it back to Kentucky. That he wanted to teach Kentucky a moral lesson by the example made of Troutman &c, That Gorham told Troutman substantially as follows "you cant have the Crosswhite family" "we cant let you take them" "we regard them as free citizens" and this is a free country" "we dont know Slavery" - That before Gorham used all of the above language Troutman publicly informed the Croud by addressing Gorham

Lyman Martin Comm[illegible]

personally, That he was the agent and attorney of Francis Giltner of Carroll County Kentucky and authorized to seize and arrest said Crosswhite family as fugitives from labour and the property of said Giltner, That he made known to Gorham and all the Crowd his name, residence and business, That after Gorham had explained to him our business he said many things in opposition to taking the Slaves, That he manifested a strong determination, by his expressions and manners, to prevent the taking away of the Slaves, That while Gorham was there talking many of the Crowd seemed to be much excited, and made many threats that the Kentuckians should be tared and feathered, rode on a Rail &c, Deponent does not recollect at what hour in the morning any particular defendant came on the ground, but that it was about daylight when the Slaves were arrested, That deponent saw. Moss Smith, & Bergen before Gorham, when Gorham came on the ground a large number had alread-dy assembled, — heard a great deal said on the ground by various persons but did not charge his memory with their names, nor language used, noticed Gorham more particularly because he seemed to be more popular with the mob than any one else and he seemed to exert much influence upon them, in geting them to take a firm stand against us. He was a fine looking man and spoke fluently

That, Gorham told Troutman he was responsible
Deponent heard no expression from Gorham on the ground which
seemed to be intended or was calculated to induce
the balance of the mob to consent to the taking
of the Slaves. We did not take the slaves
from Marshall or any of them, we would
have done so if we could, but we were
prevented by the assembling of a crowd, who
used many violent threats, so as to make
it dangerous for us to attempt the removal
of the Slaves, We were at said house for
three or four hours, when we became
fatigued and in want of some refreshments
I proposed that our company should go down to
the Marshall House, we held a consultation,
Troutman refused to go, and he and Dixon
remained, for a time, Lee and myself and
Ford started and after going a few rods, Ford
refused to go any farther without Troutman
he returned towards the Crowd but Lee and
myself marched on slowly towards the Marshall
house — That deponent, sometime after his
arrival at the Marshall house, was served with a writ
and was directed to go to the office of Esquire Hobert
is no Lawyer, and does not know what was the
character of the warrant

Tenthly - To the tenth interrogatory deponent saith
That he did not see the Slaves or any one of
them since the 27th, the day on which they
were recaptured, That he saw Adam, John
and Ben in the office of Hobert during the

Lyman Martin Commissioner

(8)

Trial of the Kentuckians, That John & Ben, were used as witnesses against the Kentuckians

Eleventh, That on the morning of the 28th he was informed that the slaves had been taken out of the country. and he did not farther pursue them That he saw Gorham and Herd at the trial and on the morning of the 29th saw them at the National Hotel

Twelfthly. To the twelfth interrogatory deponent saith, that he was arrested and brought before Randell Hobert a justice of the peace while in the village of Marshall, on the 27th of January 1847, soon after leaving the house where we made a seizure of the said Slaves, Deponent did not know what was the character of the warrant, or writ, upon its face, Troutman Ford. Lee & Dixon were implicated in the same prosecution, That Hobert render-ed a judgement of one hundred dollars against us — Deponent did not hear Hobert ~~say~~ express any regrets that his jurisdiction was no greater

Thirteenth, To the thirteenth interrogatory saith That he has some knowledge of the value of Slave property in Kentucky,. Deponents. Judgement of the value of the said Slaves in Carroll County Kentucky in January 1847 is as follows to wit, Adam worth five hundred dollars, Sarah, two hundred dollars, John Six Hundred dollars, Ben. five hundred and fifty dollars, Cyrus five hundred dollars, Lucretia three Hundred dollars,

dollars; Lastly — To the last and general interrogatory deponent saith That, he personally knew all the said Slaves when he saw them at said House in the village of Marshall, that he saw all of them at that house except Ben and saw him in Roberts office, That he knew them to be the slaves of plaintiff, and claimed them as such publicly — and further deponent saith not

David Gettner

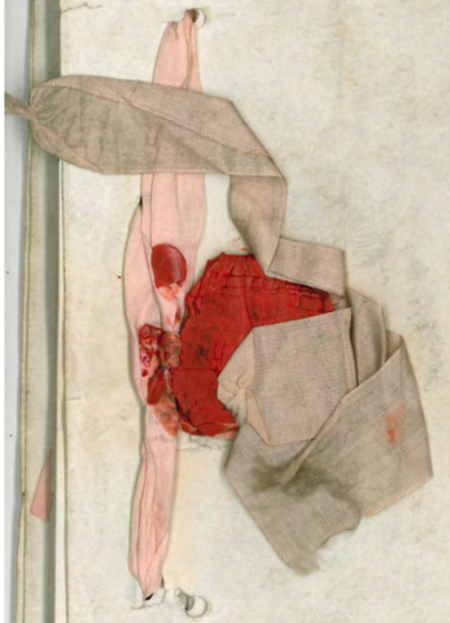
State of Kentucky
County of Carroll } ss.

On the 29th day of September A D 1848 then George Fearn, Moses G Hoagland, Samuel Fearn and Michael Gittnes, and on the 30th day of the same month and year then David Gittnes in said County and State personally appeared before me and after having taken the oath prescribed in the instructions annexed to the Commission mentioned in the Caption to the above depositions which oath was administered by me Lyman Martin and taken by said witnesses with uplifted hand declare ~~that~~ severally that the foregoing depositions by them respectively subscribed contains the truth, the whole truth and nothing but the truth; said witness residing without the State of Michigan. The Deposition was reduced to writing by Francis Trontman in my presence.

Lyman Martin Commissioner

Costs of executing this Commission

For witness attendance & mileage	$9.85
" Commissioners fee	2.00
Lyman Martin Comr	$11.85.



N° 1900

Giltner
v
Gorham et al

Commission & depositions

Rec'd from Post Office
Oct. 7. 1848 & taken
open in open Court
Oct. 9. 1848
M. Wenden
Clerk

231

Witness
Leo Fearn
M. F. Hoagland
David Giltner
Michael Giltner

Circuit Court of the United States
for the District of Michigan

George Ingersoll, impleaded with Charles T. Gorham, Oliver C. Comstock Junior, Asa B. Cook, Darius Hurd, John M. Easterly, William D. Rector, Herman Camp, Randall Hobart, Planter Prof. William Parker, Charles Bergen and James Smith

vs.

Francis Bellier.

And the said Defendant, impleaded as aforesaid, by Theodore Romeyn his Attorney, comes and defends the wrong and injury, when &c and as to the first, second, third, fourth and fifth counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts ~~complained against him, and of this he~~ or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him; and of this he puts himself upon the country, &c -

T. Romeyn
Atty for Deft

1900

Dist. Ct. United States

George Ingersoll, impleaded
with Charles T. Gorham &al
vs.
Francis Gilkison

Plea

T. Romeyn
Atty for Defts

Filed April 25th 1848
Jno W Linden Clerk
By Geo G Burke
Deputy

United States of America
In the Circuit Court of the United States
for the 7th Circuit and District of Michigan

Francis Gillette

vs

Charles Moss, Charles Bugee & James Smith
impleaded with Charles J Graham James
Hurd. William Parker Oliver C Comstock

And the said Plaintiff as to the plea of the said Charles Moss. Charles Bugee & James Smith, impleaded as aforesaid by them first above pleaded in bar of the further Continuance of Plaintiffs action against them, says that he ought not to be barred from further Continuing his said action against them by reason of anything in said first plea alleged. Because he says, That after the commencement of this suit & before the pleading of said first plea, it was not, nor was it at any other time, at the district of Michigan or any other place agreed between the Plaintiff and the Defendant Oliver C Comstock Junior that the said Oliver C Comstock should pay to said Plaintiff, and the said Plaintiff should receive, in lieu of Money in satisfaction and discharge of the trespasses in the several counts of Plaintiffs declaration specified in said first plea or of the Damages sustained by Plaintiff in prosecuting this suit against said Comstock, nor did the said Oliver C Comstock Junior at the time and place in said first plea mentioned, or at any other time or place, pay to said Plaintiff the said Sum of seven hundred & fifty dollars or any other sum in satisfaction and discharge of the trespasses in the several Counts of Plaintiffs declaration mentioned in said first plea & of the damages & Costs of prosecuting said suit against the defendant Oliver C Comstock Junior in manner & form as is in said first plea alleged. And this he the said Plaintiff prays may be enquired of by the Country &c.

And the said Plaintiff as to the plea of the said defendants impleaded as aforesaid by them secondly above pleaded in bar of the further continuance of said Plaintiffs action against them says, that he ought not to be barred from further ~~continuing~~ prosecuting his said action against them impleaded as aforesaid by reason of anything in said second plea alleged — Because he says that it was not agreed between the Plaintiff and the said Oliver C Comstock Junior at the time and place in said second plea specified or at any other time or place that said Oliver C Comstock Junior should give and said Plaintiff should receive the promise of said Oliver to pay the sum of seven hundred and fifty dollars, or any other sum in full discharge ~~and~~ satisfaction of the trespasses in the several Counts of plaintiffs declaration mentioned in said second plea and of the damages and Costs sustained by Plaintiff in prosecuting said suit — nor did the said Oliver C Comstock. Ever pay to said Plaintiff the said sum of seven hundred And fifty Dollars, or any other sum in full satisfaction and discharge of the trespasses in the several Counts of Plaintiffs declaration mentioned in defendants second plea, and in maintaining said suit. in manner & form as is in said second plea alleged. And this the said Plaintiff prays may be enquired of by the Country &c

Pratt & ~~Howell~~ Crary
Plff Atty

No. 1900.
United States of America
The Circuit Court of the U.S.
for the 7th Circuit & Dist of Mich

Francis Gilton
vs
Horatio Mason Charles Burger
& James Smith impleaded
with Charles T. Gorham et al.

Replication

Filed Nov. 10. 1848
Jn° Winder
Clerk

60
2
77

Pratt & Howell
Plffs Atty

Circuit Court of the United States for the District of Michigan.

John M. Easterly Charles T. Gorham

~~Charles T. Gorham~~, impleaded with Oliver C. Comstock, Junior, Asa B. Cook, Jarvis Hurd, ~~John M. Easterly~~, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen and James Smith.

ads.

Francis Giltner.

And the said defendant, impleaded as aforesaid, by Theodore Romeyn, his attorney, comes and defends the wrong and injury, when, &c. and as to the sixth and seventh counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him, and of this he puts himself upon the country, &c.

And as to the said first count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said first count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the first count of said amended declaration; that is to say,

First: There is no averment in the said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-seventh day of January, in the year eighteen hundred and forty-seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall, and became fugitives from labor there.

Fourth: It is not averred in said count, with proper certainty and in traversable form, when the said parties escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Eighth: There is no specification in said first count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said first count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the second count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said second count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said second count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer, to the second count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the sixth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-sixth day of January, eighteen hundred and forty-seven, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were held to service or labor.

Third: There is manifest repugnancy in said count, in stating the time when the persons above named fled into the village of Marshall, and became fugitives from labor.

Fourth: It is not averred in said count, with proper certainty and in traversable form, *when* the said persons escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action, or ground of complaint against them.

Seventh: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Eighth: There is no specification in said second count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said second count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count in said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said third count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the first day of December, in the year eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fourth: It does not appear from said third count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth: There is no averment, in legal and traversable form, that on the twenty-seventh day of January, eighteen hundred and forty-seven, that the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that, on that day, they were in Marshall at all.

Sixth: There is no specification in said third count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said third count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fourth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the tenth day of December, A. D. eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor; nor is there such averment in regard to the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Third: It is not averred in said count, with proper certainty, and in traversable form, that the said persons were fugitives from labor, on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth: It does not appear from said fourth count, and is not therein averred, or shown with certainty, in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering or seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fourth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that the said fourth count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fifth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fifth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fifth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the fifth count of said amended declaration: that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the fifteenth day of December, one thousand eight hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor,—nor that they were so held to labor or service on twenty-seventh January, A. D. eighteen hundred and forty-seven.

Third: There is no averment in proper and traversable form, that on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven, the said persons were fugitives from labor.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Fifth: It does not appear from said fifth count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiffs in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fifth count of any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth count of said amended declaration, is in other respects uncertain, informal, and insufficient, &c.

T. ROMEYN,
Attorney and of Counsel for Defendant.

1900

Circuit Court of the U. S. for the Dist of Michigan

John M. Easterly, impleaded with Charles T. Gorham et al

vs.

Francis Gilbert

Demurrer to amended declaration -

T. V. Romeyn Atty of Counsel for Dfts

Filed October 4th 1899
Jno Winder Clerk
By Geo C Bell
Deputy

Circuit Court of the United States for the District of Michigan.

William D. Recto — Charles T. Gorham

~~Charles T. Gorham~~, impleaded with Oliver C. Comstock, Junior, Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersoll, ~~William D. Rector~~, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen and James Smith.

ads.

Francis Giltner.

Bovey K. Clarke

And the said defendant, impleaded as aforesaid, by ~~Theodore Romeyn,~~ his attorney, comes and defends the wrong and injury, when, &c. and as to the sixth and seventh counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him, and of this he puts himself upon the country, &c.

And as to the said first count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said first count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the first count of said amended declaration; that is to say,

First: There is no averment in the said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-seventh day of January, in the year eighteen hundred and forty-seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall, and became fugitives from labor there.

Fourth: It is not averred in said count, with proper certainty and in traversable form, when the said parties escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Eighth: There is no specification in said first count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said first count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the second count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said second count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said second count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer, to the second count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the sixth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-sixth day of January, eighteen hundred and forty-seven, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were held to service or labor.

Third: There is manifest repugnancy in said count, in stating the time when the persons above named fled into the village of Marshall, and became fugitives from labor.

Fourth: It is not averred in said count, with proper certainty and in traversable form, *when* the said persons escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action, or ground of complaint against them.

Seventh: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Eighth: There is no specification in said second count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said second count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count in said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said third count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the first day of December, in the year eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fourth: It does not appear from said third count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth: There is no averment, in legal and traversable form, that on the twenty-seventh day of January, eighteen hundred and forty-seven, that the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that, on that day, they were in Marshall at all.

Sixth: There is no specification in said third count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said third count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fourth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the tenth day of December, A. D. eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor; nor is there such averment in regard to the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Third: It is not averred in said count, with proper certainty, and in traversable form, that the said persons were fugitives from labor, on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth: It does not appear from said fourth count, and is not therein averred, or shown with certainty, in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering or seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fourth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that the said fourth count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fifth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fifth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fifth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the fifth count of said amended declaration: that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the fifteenth day of December, one thousand eight hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor,—nor that they were so held to labor or service on twenty-seventh January, A. D. eighteen hundred and forty-seven.

Third: There is no averment in proper and traversable form, that on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven, the said persons were fugitives from labor.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Fifth: It does not appear from said fifth count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiffs in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fifth count of any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth count of said amended declaration, is in other respects uncertain, informal, and insufficient, &c.

Hovey K. Clarke ~~T. ROMEYN~~,
Attorney and of Counsel for Defendant.

1900
Circuit Court of the U. S.
for the Dist. of Michigan

William D. Rector im-
pleaded with Charles T. Gor-
ham et al.
ads.
Francis Giltner

Demurrer to amended
declaration -

Hovey K. Clarke atty
& of Counsel for Deft

Filed October 4th 1847
Jno. Winder Clerk
By Geo. S. Bull
Deputy

Circuit Court of the United States for the District of Michigan.

Jarvis Hurd — Charles T. Gorham

~~Charles T. Gorham~~, impleaded with Oliver C. Comstock, Junior, Asa B. Cook, ~~Jarvis Hurd~~, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen and James Smith.

ads.

Francis Giltner.

And the said defendant, impleaded as aforesaid, by Theodore Romeyn, his attorney, comes and defends the wrong and injury, when, &c. and as to the sixth and seventh counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him, and of this he puts himself upon the country, &c.

And as to the said first count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said first count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the first count of said amended declaration; that is to say,

First: There is no averment in the said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-seventh day of January, in the year eighteen hundred and forty-seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall, and became fugitives from labor there.

Fourth: It is not averred in said count, with proper certainty and in traversable form, when the said parties escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Eighth: There is no specification in said first count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said first count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the second count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said second count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said second count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer, to the second count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the sixth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-sixth day of January, eighteen hundred and forty-seven, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were held to service or labor.

Third: There is manifest repugnancy in said count, in stating the time when the persons above named fled into the village of Marshall, and became fugitives from labor.

Fourth: It is not averred in said count, with proper certainty and in traversable form, *when* the said persons escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action, or ground of complaint against them.

Seventh: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Eighth: There is no specification in said second count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said second count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count in said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said third count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the first day of December, in the year eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fourth: It does not appear from said third count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth: There is no averment, in legal and traversable form, that on the twenty-seventh day of January, eighteen hundred and forty-seven, that the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that, on that day, they were in Marshall at all.

Sixth: There is no specification in said third count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said third count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fourth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the tenth day of December, A. D. eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor; nor is there such averment in regard to the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Third: It is not averred in said count, with proper certainty, and in traversable form, that the said persons were fugitives from labor, on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth: It does not appear from said fourth count, and is not therein averred, or shown with certainty, in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering or seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fourth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that the said fourth count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fifth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fifth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fifth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the fifth count of said amended declaration: that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the fifteenth day of December, one thousand eight hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor,—nor that they were so held to labor or service on twenty-seventh January, A. D. eighteen hundred and forty-seven.

Third: There is no averment in proper and traversable form, that on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven, the said persons were fugitives from labor.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Fifth: It does not appear from said fifth count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiffs in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fifth count of any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth count of said amended declaration, is in other respects uncertain, informal, and insufficient, &c.

T. ROMEYN,
Attorney and of Counsel for Defendant.

1900

Circuit Court of the U. S. for the District of Michigan

Jarvis Hurd, impleaded with Charles T. Gorham & al

ads.

Francis Giltner

Demurrer to amended declaration –

T Romeyn Atty & of Counsel for Deft

Filed October 4th 1847
Jno Winder Clerk
By Geo. L. Bull Deputy

Circuit Court of the United States
for the District of Michigan.

Charles T. Gaines, impleaded with Oliver C. Comstock Junior, Asa B. Cook, Jairus Hurd, John M. Easterly, Geroge Duyersoll, William D. Rector Herman Camp, Randall Hobart, Hunter Moss, William Parker, Charles Bergen and James Smith -

ads.

Hraner's Gillies -

And the said defendant, impleaded as aforesaid, by Theodore Romeyn, his Attorney, comes and defends the wrong and injury when &c and as to the ~~fifth and seventh Counts of~~ first, second, third, fourth and fifth Counts of said amended Declaration, says that he is not guilty of the said supposed grievances laid to his charge in said Counts, or any or either of them or any part thereof in manner and form as the said plaintiff hath above thereof in said Counts, complained against him, and of this he puts himself upon the Country, &c -

T. Romeyn
Atty for Defts

1900

Dist. Ct. United States

Charles T. Gorham, impleaded with Oliver B. Comstock Jr et al

vs

Francis Giltner

Plea

T. Romeyn
atty for Defts

Filed April 25th 1848
Jno Minden Clerk
By Geo G Bull deputy

Circuit Court for the
U S Dist. of Michigan

Francis Giltner
vs
Asa B Cook
impleaded with
Chas P Gorham
And Others

Action on the Case

It is Hereby Stipulated And agreed by and between the Attorneys of the Plff in this Cause And Asa B Cook one of the Defts in said Cause, that said Cause be discontinued as against defendant Cook Only, And as against him to be Prosecuted No further, but without Costs to either, Each party hereby agreeing to pay their own costs.

Dated June 15th 1848

Pratt & Crary
Atty's for Plff
A B Cook
one of the above Defendants

1900.

Circuit Court for the
U.S. Dist of Michigan

Francis Siltner
vs
Asa B Cook
in Pleadings with
Charles Norham
And others

Francis Siltner
vs
Asa B Cook

Stipulation
To discontinue

Pratt & Crary
Atty's for Pltff

Fil'd Jan 20. 1898
H. C. Winder
Clerk

Circuit Court of the United States
for the District of Michigan —

John M. Easterly, impleaded with Charles T. Graham, Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hunt, George Ingersoll, William D. Rector Herman Camp, Randall Hobart, Planter Mosf, William Parker, Charles Bergen and James Smith

vs.

Francis Giltner

And the said Defendant, impleaded as aforesaid, by Theodore Romeyn, his attorney, comes and defends the wrong and injury, when &c and as to the first, second, third, fourth and fifth Counts of said amended declaration, say that he is not guilty of the said supposed grievances laid to his charge in said Counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said Counts, complained against him, and of this he puts himself upon the Country &c

T. Romeyn
Atty for Dft

1900

Dist Ct. United States

John M. Easterly, impleaded
with Charles T. Gorham et al
vs.
Francis Bilton

Plea.

T. Romeyn
atty for Defts

Filed April 25. 1898
Jno Winder Clk
By Chas J Bull
Deputy

Circuit Court of the United States
for the District of Michigan —

"

Oliver C. Comstock Junior impleaded with
Charles T. Gorham, Asa B. Cook, Sam's Ward,
John M. Easterly, George Ingersoll, William
D. Rector, Herman Camp, Randall Hobart,
Hunter Wolf, William Parker, Charles Beyer
and James Smith —

vs,

Francis Gillmer —

"

And the said Defendant, impleaded as
aforesaid, by Theodore Romeyn, his Attorney, comes and de-
fends the wrong and injury, when &c, and as to the first, se-
cond, third, fourth and fifth counts of said amended declara-
tion, says that he is not guilty of the said supposed grievan-
ces laid to his charge in said counts or any or either of them
or any part thereof, in manner and form as the said plain-
tiff hath above thereof, in said counts, complained against
him and of this he puts himself upon the country, &c —

T. Romeyn
Atty for Dft —

1900

Circt. Ct. United States

Oliver C. Comstock Jr. impleaded with Charles T. Galbraith

vs.

Francis Gittner

Plea.

T. Romeyn
atty for Defts

Filed April 25th 1848
Jno. C. Wendell Clerk
By Geo. G. Bull Deputy

Circuit Court of the United States
for the District of Michigan —

Asa B. Cook, impleaded with Charles T. Gorham, Oliver C. Comstock Junior, Davis Hood, John M. Easterly, George Ingersoll William D. Rector, Herman Camp, Randall Hobart, Hunter Moss, William Parker, Charles Bergen and James Smith —

vs.

Francis Giltner —

And the said defendant, impleaded as aforesaid, by Theodore Romeyn his attorney, comes and defends the wrong and injury when &c and as to the first, second, third, fourth and fifth counts of said amended Declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof in said counts, complained against him, and of this he puts himself upon the country &c —

T. Romeyn
Atty for Defts

1900

Orch Ct. United States

Asa B. Cook impleaded
with Chas. P. Graham et al

vs.

Francis Gilliss

Plea

T. Romeyn
Atty for Defts

Filed April 25th 1848
In Alexander Clerk
By Geo. W. Bull Deputy

Circuit Court of the United States
for the District of Michigan —

Jarvis Hurd, impleaded with Charles T. Gilbert, Oliver C. Comstock, Junior, Asa B. Cook, John M. Easterly, George Ingersoll, Wil-liam D. Rector, Herman Camp, Randall Ho-bart, Planter Wolf, William Parker, Charles Bergen and James Smith —

vs.

Francis Gildner —

And the said Defendant, impleaded as aforesaid, by Theodore Romeyn, his Attorney, comes and defends the wrong and injury when &c and as to the first, second, third, fourth and fifth counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said Counts or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said Counts complained against him, and of this he puts himself upon the country, &c

T. Romeyn
Atty for Defr

1900

Circt. Ct. United States

Davis Hunt, impleaded with
Charles T. Graham et al
vs.
Francis Bitter

Plea

T. Romeyn
atty for Defts

Filed April 25. 1848
Dan'l Linden Clerk
By Geo. G. Bull Deputy

Circuit Court of the United States for the District of Michigan.

Charles T. Gorham, impleaded with Oliver C. Comstock, Junior, Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker, Charles Bergen and James Smith.
ads.
Francis Giltner.

And the said defendant, impleaded as aforesaid, by Theodore Romeyn, his attorney, comes and defends the wrong and injury, when, &c. and as to the sixth and seventh counts of said amended declaration, says that he is not guilty of the said supposed grievances laid to his charge in said counts, or any or either of them, or any part thereof, in manner and form as the said plaintiff hath above thereof, in said counts, complained against him, and of this he puts himself upon the country, &c.

And as to the said first count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said first count of the said declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said first count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the first count of said amended declaration; that is to say,

First: There is no averment in the said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-seventh day of January, in the year eighteen hundred and forty-seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall, and became fugitives from labor there.

Fourth: It is not averred in said count, with proper certainty and in traversable form, when the said parties escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh: It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Eighth: There is no specification in said first count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said first count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the second count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said second count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said second count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer, to the second count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the sixth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the twenty-sixth day of January, eighteen hundred and forty-seven, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were held to service or labor.

Third: There is manifest repugnancy in said count, in stating the time when the persons above named fled into the village of Marshall, and became fugitives from labor.

Fourth: It is not averred in said count, with proper certainty and in traversable form, *when* the said persons escaped into Marshall.

Fifth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Sixth: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means; and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action, or ground of complaint against them.

Seventh: It does not appear from said second count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Eighth: There is no specification in said second count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said second count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count in said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said third count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute, in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, in the year eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second: There is no averment in said count, in legal and traversable form, that on the first day of December, in the year eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fourth: It does not appear from said third count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general, that there was a hindering and preventing, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth: There is no averment, in legal and traversable form, that on the twenty-seventh day of January, eighteen hundred and forty-seven, that the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that, on that day, they were in Marshall at all.

Sixth: There is no specification in said third count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said third count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by

And as to the said fourth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fourth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said amended declaration; that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. one thousand eight hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the tenth day of December, A. D. eighteen hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor; nor is there such averment in regard to the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Third: It is not averred in said count, with proper certainty, and in traversable form, that the said persons were fugitives from labor, on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth: It does not appear from said fourth count, and is not therein averred, or shown with certainty, in what manner, or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering or seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fourth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that the said fourth count of said amended declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said fifth count of said amended declaration, the said defendant, impleaded as aforesaid, by his said attorney, comes and defends the wrong and injury, when, &c. and says that the said fifth count of the said amended declaration, and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof, against the said defendant, and that he, the said defendant, is not bound by law to answer the same—and this he is ready to verify: Wherefore, by reason of the insufficiency of the said fifth count of said amended declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the fifth count of said amended declaration: that is to say,

First: There is no averment in said count, in legal and traversable form, that on the fifth day of August, A. D. eighteen hundred and forty-three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite, were held to labor or service by the said plaintiff, or were his slaves.

Second: There is no averment in said count, in legal and traversable form, that on the fifteenth day of December, one thousand eight hundred and forty-three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor,—nor that they were so held to labor or service on twenty-seventh January, A. D. eighteen hundred and forty-seven.

Third: There is no averment in proper and traversable form, that on the twenty-seventh day of January, A. D. eighteen hundred and forty-seven, the said persons were fugitives from labor.

Fourth: There is no averment in said count, in legal and traversable form, with certainty of time and place of notice to the defendants, that the said persons were fugitives from labor.

Fifth: It does not appear from said fifth count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiffs in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth: There is no specification in said fifth count of any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth count of said amended declaration, is in other respects uncertain, informal, and insufficient, &c.

T. ROMEYN,
Attorney and of Counsel for Defendant.

1900

Circuit Court of the U.S
for the District of Michigan

Charles T. Gorham, impleaded with Oliver C. Comstock and
ads.
Francis Giltner

Demurrer to amended Declaration

T. Romeyn Atty
for Comsd for
Defts

Filed October 4th 1897
Brodhead Clerk
By Geo. G. Bull deputy

Circuit Court of the United States for the
7 Circuit And Dist of Michigan

James Smith. Impleaded with
Charles T. Gorham, Oliver C. Comstock, Junior,
Aza B. Cook, Jarvis Hurd, John M. Easterly
George Ingersoll, William D. Rector, Herman
Camp, Randall Hobart, Planter Moss, William
Parker, Charles Bayer

ads

~~Charles~~ Francis Giltner

//

This Defendant James Smith impleaded as aforesaid, by Wells & Cook his Attorneys comes and defends the wrong and injury when &c, and says that he is not guilty of the said supposed trespasses above laid to his charge or any or either of them, or any part thereof in manner and form as the said plaintiff hath above thereof complained against him and of this the said Defendant puts himself upon the Country &c

Wells & Cook
Attys for Deft Smith.

1900

U. S. Circuit Court for the 7 Circuit & Dist of Michigan

James Smith im-pleaded with Charles P. Eabon et al,
ads
Francis Eilter.

Plea

Filed May 2^d 1848
Jno W Winder Clerk
By Geo G Bull Deputy

Wells & Cook
Attys for Deft
Smith.

Circuit Court of the United States for the
Circuit and Dist of Michigan

Charles Bergen impleaded with
Charles V. Forbes Oliver C. Comstock Lewis,
Asa B. Cook, Lewis Hurd, John M. Easterly
George Ingersoll, William D. Rector Herman
Camp Randall Hobart, Plautus Moss, William
Parker and James Smith.

Ods
Francis Gilman.

11

This defendant Charles Bergen impleaded
as aforesaid, by Wells & Cook his Attorneys comes
and defends the wrong and injury when &
and says he is not guilty of the said supposed
trespass above laid to his charge, or any or
either of them, or any part thereof in manner
and form as the said Plaintiff hath above
thereof complained against him. And of this
the said Defendant puts himself upon the
country &c

Wells & Cook
Attys for Deft Bergen

1900

U.S. Circuit for the
7 Ct. & Dist of Michigan

Charles Bergen impleaded with Charles T. Gorham et al —

ads

Francis Giltner.

Plea

Filed May 2d 1848
Jno Winder Clerk
By Geo G Bull Deputy

Wells & Cook
Attys for Deft Bergen.

Circuit Court of the United States
for the Seventh Circuit And Dist of Michigan

Plaintiff Hosp, impleaded with
Charles P. Carlton Oliver C. Comstock Simeon
Ans B. Cook Jarvis Hurd, John M. Easterly
George Ingersoll William D. Rector, Herman
Camp, Randall Hobart, William Parker,
Charles Bergen and James Smith

vs

Plaintiff Gittere.

This defendant Plaintiff Hosp, impleaded as aforesaid, by Wells & Cook, his attorneys, comes and defends the force and injury complained of in the Plaintiffs declaration, when &c, and says that he is not guilty of the said supposed trespass above laid to his charge, or any or either of them, or any part thereof in manner and form as the said Plaintiff hath above thereof complained against him, and of this the said Defendant puts himself upon the Country &c

Wells & Cook
Attys for Deft Hosp

1900.

U.S. Circuit for the Sev th Ct., & Dist. of Michigan.

Planter Moss, impleaded with Charles G. Graham et al,

ads

Francis Vetter.

Plea.

Filed May 2d 1848
Jno Winder Clerk
By Geo G Bull Deputy

Wells & Cook
Attys for Deft
Moss

United States of America
In the Circuit Court of the U. S.
For the Seventh Circuit and Dist of Michigan

Plaintiff Mofs. Charles Bergen &
James Smith impleaded with
Charles T. Graham. Louis Hurd
and William Parker & Elisha Comstock Jr.
vs
Francis Gittens

And the said defendants Plaintiff Mofs. Charles Bergen and James Smith impleaded as aforesaid, by Wells & Meade their attorneys come and defend the wrong and injury when &c and say that the said Plaintiff ought not further to have or maintain his aforesaid action thereof against them the said Defendants. because they say that the said supposed grievances and every of them in the said Plaintiffs declaration contained were committed by the said Defendants or of all committed by them, jointly with the said Defendant Elisha C. Comstock Junr, and that after the committing the said several supposed grievances mention in the first, second, third, fourth, Fifth, Six and seventh counts of the said above declaration, and after the commencement of this suit and before the day of pleading this plea, to wit on the day of ~~December~~ A.D. 1848 at the District of Michigan, it was agreed between the said plaintiff and the said Defendant Elisha C. Comstock Junr. that the said Elisha C. Comstock should pay to the said Plaintiff and the said Plaintiff should receive a certain sum of money, to wit the sum of

Seven hundred and fifty dollars ~~in money of the United States~~, in satisfaction and discharge of the said supposed grievances in the said first second third, fourth, fifth sixth and seventh counts mentioned and of all damages by the said plaintiff sustained in prosecuting this said action against the said Defendant and the said defendants so as aforesaid impleaded further say that in pursuance of the said agreement, the said defendant Oliver C. Comstock then and there, to wit at the District of Michigan paid to the said plaintiff the said sum of seven hundred and fifty Dollars. And the said Plaintiff then and there accepted the same, to wit at the District of Michigan in full satisfaction and discharge of the said supposed grievances in the said first, second, third, fourth, fifth, six and seventh Counts mentioned and of all damages and costs as aforesaid by the said Plaintiff in the prosecuting of this suit sustained, and this these defendants are ready to verify - And whereof they pray judgment if the said Plaintiff ought further to have and maintain his aforesaid action against them &c

And for a further plea in this behalf the said defendants so as aforesaid impleaded, by leave of this Court here for this purpose

this purpose first had and obtained, according to the form of the Statute in such case made and provided, says that the said Plaintiff ought not further to have or maintain his aforesaid action thereof against them the said defendants because they say that the said supposed grievances in the said first, second third, fourth fifth sixth and seventh counts mentioned were committed by the said Defendants employer & agent (if not all committed by them) jointly with the said defendant Olivier C. Comstock Junior and not of the committing of the said several supposed grievances in the said declaration mentioned and after the commencement of this suit and before the day of pleading this plea to wit, on the day of at the District of Michigan it was agreed between the said Plaintiff and the said defendant Olivier C. Comstock Junior, that the said Olivier C. Comstock should give and the said Plaintiff should receive the promise and undertaking of the said Olivier C. Comstock to pay the sum of seven hundred and fifty dollars in full discharge and satisfaction of the said supposed grievances in the said first, second third, fourth, fifth sixth and seventh counts mentioned, and of all damages by the said Plaintiff sustained by reason of the same, and of all costs by the said Plaintiff sustained in prosecuting this said action against the said defendant. And the said Defendants further say

that in pursuance of the said agreement the said Alden C. Comstock did there and then, to wit, at the District of Michigan give to the said Plaintiff the said promise and undertaking of the said Comstock to pay the said sum of Seven Hundred and Fifty dollars ~~to the said P~~ And the said Plaintiff then and there accepted the same, to wit at the District of Michigan aforesaid in full satisfaction and discharge of the said supposed grievances in the said first, second, third, fourth, fifth, sixth and seventh counts mentioned And of all damages and costs by the said Plaintiff sustained by reason of the said supposed grievances and in maintaining this his suit. And this the said Defendants are ready to verify. And wherefore they pray judgment if the said Plaintiff ought further to have or maintain his aforesaid action against them - &c

Wells & Goodrich

Attys for Defts

Plaintiff Rests

Et al

No. 1900.
U. S. Circuit Court
For the Seventh Circt & Dist
of Michigan —

Planter Moss impleaded
with O.C. Comstock Chas D.
Eaton et al

ads

Francis Vittner

Amended
Plea of puis
Darrein Continuance

Filed in open Court
Nov. 6. 1848
Jno. Winder,
Clerk

Wells & Cook
Atty for deft Moss

The Circuit Courts of
The United States for
The District of Michigan

Charles T. Gorham
Jarius Hurd
Oliver C. Comstock
and others
vs
Francis Giltner

The said defendants objects to the depositions of the following witnesses to wit. of Michael Giltner David Giltner James L. Lee Francis George Fern Moses F. Hoyland

taken before Esq
for the following reasons:
1st The last & general interrogatory is not by said witnesses separately answered
2nd The said depositions are reduced to writing by one Francis Fleetwood the agent & attorney in fact of the said Plff in this

Detroit Oct 24. 1848.

Thos Romeyn
for H. & O. Comstock
Atty for
Defendants
Hurd Gorham & Comstock

District of Michigan ss.

Charles T. Graham

one of the above named deponents being duly sworn says that from the Testimony also according to the certificate of the Commissioner annexed to the foregoing annexed depositions reduced the same to writing and the agent & attorney of the said Plaintiff from whom & whom he received the shares for the Value of which this action is brought that he has acted as such agent in the institution & prosecution of this suit, that he is an attorney at Law of the State of Kentucky where said Plaintiff resides & where said depositions were taken, that he is one of the Witnesses in the Cause for the plaintiff. & that he has had in this State the superintendence & controll of this Cause for the said Plaintiff going to settle & Compromise the same & that he is still such agent & that he now here produces at this term of this Court & for the depositions saith not —

Sworn this 9th day of November A. D. 1847. Chas. T. Graham

H. C. Winder, Clerk

N. S. Court

Graham et al
vs
Gilliver

Objections to depositions
& affidavits

Fil.d in N.Y. 9. 1848
W.m Wilder,
Clerk

Remarks
Allyn
Defts

G. H. & C.

State of Wisconsin
County of Milwaukie ss. } Be it remembered that on this twenty fifth day of September in the year of our Lord one thousand Eight Hundred and forty Eight at Milwaukie in the County of Milwaukie and State of Wisconsin Came personally before me a Commissioner appointed under the laws of the United States Eli F. Taber a witness produced to be Examined and his deposition taken to be used in a Cause pending in the Circuit Court of the United States for the District of Michigan wherein Francis Giltner is Plaintiff and Charles J. Gorham Oliver C. Comstock Junior Jarvis Hurd Hunter Moss William Parker Charles Bergen and James Smith are defendants and having been by me carefully Examined and Cautioned and sworn to testify to the whole truth did depose and say as follows Viz——

Eli F. Taber being duly sworn to tell the whole truth in answer to all questions asked him within his Knowledge deposes and says that I resided in Marshall in the State of Michigan during all the Month of January in the year Eighteen hundred & forty Seven, and now reside in Washington County in the State of Wisconsin— am twenty five years of age, and during the winter of 1847 I was in the Employ of Lansing Kingsbury in the Town of Marshall in Michigan. I am acquainted with Gorham Comstock & Hurd defendants in this suit; I am not acquainted with the plaintiff— nor with any other of the defendants. I know Troutman Giltner & Lee, & think another person was with them whose name I do not recollect; Giltner Lee & the person whose name I do not remember were stopping at the Marshall House in Marshall, at the time above alluded to. In the latter part of the Month of January 1847— in the Morning of the day after ~~Troutman~~ Giltner Lee & their Companion stopped at Marshall I heard a report that three more persons Kidnapping the Crapwhite family— I went to Crapwhites house— and saw there Troutman Giltner Lee & their Companion— ; when I arrived there— I should think one hundred & fifty or two hundred persons had collected; I think Doctor Comstock arrived at Crapwhites about the same time I did: I heard Doct. Comstock & Troutman holding a Conversation after which Mr Troutman took out a

book and wrote something in it. the Conversation I did not hear distinctly Enough to remember: I think Mr Gorham was on the ground when I arrived there. Mr Gorham was not near Doct Comstock & Troutman when the Conversation between them before alluded to took place: when I first went to Crosswhites the Crowd Collected there seemed quite Excited. I remained upon the ground until nearly all had left, and at no time while I was there did I see any attempt on the part of Troutman Geltner Lee or their Companions to take away Crosswhites family or any of them: nor did I see any opposition on the part of Mr Gorham or any of the defendants in this suit to the Men from Kentucky taking away Crosswhites family had they wished to do so: I heard the question "why they did not take them if they wanted them" asked by some person who I did not know, & heard Troutman say "he Cared nothing about taking them back" or words to that Effect: immediately before I left the ground and while a few persons were remaining on the ground I heard some resolutions offered in a laughing way: I do not recollect the substance of the resolutions, Except Mr Troutmans which was "to adjourn and meet at that place at two o'clock" and was the last resolution offered while I was there: up to the time or before the resolutions were offered as above stated, I did not hear Mr Gorham or any other person offer any resolution, and I think if Mr Gorham or any one Else had offered a resolution previous to the time those above alluded to were offered, I should have heard it; ——
all the Kentuckians Except Troutman had left Crosswhites premises before I left. I went from Crosswhites immediately to the Marshall House. Soon after I arrived at the Marshall House Troutman came in, and said "gentlemen you left too soon, we had some resolutions after you Came away" Soon after I heard a Conversation between Mr Gorham & Mr D.D. Hughes at the Marshall House in the Bar room. Mr Hughes said ~~to~~, "it was ~~[illegible]~~ a damned Sherbspenian affair" Mr Gorham then said to Mr Hughes — that "he was too hasty in his remarks, & that he ought to be ashamed of himself" Mr Hughes then said — "You have been on the ground to prevent them taking their property". I do not remember the

words of Mr Gorham reply. but he seemed to deny and repel the Charge Made by Mr Hughes "that he had been on the ground and prevented them taking this property". and during this Conversation I do not remember that any thing was said about Govr Gordons having given any opinion upon the subject or Mr Gorhams having Ever advised with him. I saw Doct Comstock and Mr Gorham frequently while at the house of Crossetts and did not see them do any thing or hear them say any thing Calculated to Excite the persons present or hinder the Kentuckians from taking the Crossetts family had they wished so to do, but on the Contrary the Course of Said Comstock & Gorham was Conciliatory

Subscribed & Sworn to before me this 25th day of September. AD 1848. Henry K White Commissioner, appointed by the District Court of the United States for the District of Wisconsin to take affidavits and acknowledgements of bail

Eli T. Tabor

And I do further Certify that the said Witness was produced and Examined on behalf of said defendants that his testimony was reduced to writing by myself and Carefully read over to him and was by him Subscribed in my presence. That no notice was given to the plaintiff or his Attorney of the time and place of taking this deposition for the reason that neither was within one Hundred Miles of the place of Caption and taking the same. That the reason for taking said deposition is that said witness lives more than one Hundred miles from the place of trial of said Cause. That I am not interested in the Event of said Cause and am not of Counsel or Attorney for either party thereto. That said Witness was Carefully by me Examined Cautioned and sworn to testify to the whole truth, That this deposition will be Sealed up by myself and will be retained in my Custody until it shall be by myself directed, to the Circuit Court of the United States for the District of Michigan at Detroit and deposited in the Post Office with Such direction.

Henry K. White Commissioner appointed by the District Court of the United States for the District of Wisconsin to take affidavits & acknowledgements of bail

United States of America }
District of Wisconsin } ss

I George S West Clerk of the District Court of the United States of America for the District of Wisconsin, do hereby certify that I am well acquainted with the handwriting of Henry H White whose name is subscribed to the annexed Depositions and that the signature to the same is in his proper handwriting

And I do further certify that he was at the time of signing the same a Commissioner of the District Court of the United States for the District of Wisconsin for taking affidavits and acknowledgments of bail for said District, duly appointed and qualified as such

In testimoney whereof I have hereunto subscribed my name and duly affixed the seal of the said District Court this Twenty-fifth day of September in the year of our Lord one thousand eight hundred and forty eight and of the Independence of these United States the Seventy-third

Geo S West Clerk

No. 1900

Francis Giltner

vs

Charles J. Gorham

Oliver C. Comstock & James Hurd

Hanter Mosp

William Parker

Charles Bergen & James Smith

Deposition of Eli F. Faber

I certify that on this 11th Oct 1848 I received from the Post Office in Detroit, the written deposition & on the same day in open Court I broke open & published the same

W. Woodbridge
Clerk

Postage 40 cts pd by Clerk.

Circuit Court of the U.S. for
the 7th Circuit & Dist. of Mich.

Francis Filtner
vs
Charles T. Gorham et al

The Pltff. in this
cause by his attorneys comes & objects to the deposition of Eli Taber being read in evidence in said cause for the following reasons

1st The Person before whom said deposition purports to have been taken had no legal Authority to take the same.

2d No affidavit of the Defts or any one of them or of their Attorney in this cause was made and presented to the Person taking said deposition, stating the necessary facts to give such Person jurisdiction of the matter.

3d The deposition of a witness residing out of the State and more than 100 miles from the place of trial cannot legally be taken or read in evidence. The testimony of a witness thus situated can only be taken under a commission or a stipulation

4th The certificate of the person before whom the deposition purports to have been taken is insufficient under the act of Congress.

Pratt & Crary
Atty's for Pltff

Circuit Court of U.S.
for Dist. of Me.

Francis Feltner
vs
Charles T. Gorham et al

Objections to deposition
of Eli T. Baker

Pratt & Gray
Atty's for Deft's

Filed Nov. 10. 1848
in the afternoon
Fr. Winder
Clerk

Circuit Court of the U.S. for
the 7th Circuit & Dist of Mich.

Francis Silsbee
vs
Charles P. Sorhawe et al

The Pltff in this cause by his Attorneys comes & objects to the deposition of David Millingford being read in evidence in said cause for the following reasons.

1st. The person before whom said deposition purports to have been taken, had no legal Authority to take the same. —

2d. No affidavit or other evidence was made before or presented to the person taking said deposition showing the necessary facts to give such person jurisdiction in the matter

3d. The deposition of a witness out of the State and more than 100 Miles from the place of trial cannot legally be taken or read in evidence; the testimony of a witness thus situate can only be taken under a commission or a stipulation.

4th. It does not appear that the deposition was ~~Carefully~~ read over to the witness as required by law.

5th. It does not appear but that the said witness was going to return to his residence in Marshall immediately nor why his testimony was not taken at home before he left. —

6th The certificate of the person before whom the deposition purports to have been taken is entirely insufficient under the Act of Congress.

Pratt & Crary
attys for Plff

Circuit Court of U.S.
for Dist. of Mich.

Francis Giltner
vs
Charles T. Gorham Et als

Objections to deposition of David Wallingford

Pratt & Crary
Attys for Pltff.

Filed Nov. 10. 1848
in the afternoon –
Jn. Winder
clerk

Circuit Court of the U.S. for
the 7th Circuit & Dist. of Mich.

Francis Siltner
vs
Charles P. Gorham et als

The Plff. in this
Cause by his Attorney, comes & objects
to the deposition of Samuel Camp being
read in Evidence in said Cause for
the following reasons.

1st The Person before whom said deposition
purports to have been taken had no
legal Authority to take the same.

2d No affidavit of the Defts or any one of them
or of their Attorney in this Cause, was
made and presented to the Person taking
said deposition, stating the necessary
facts to give such Person jurisdiction
in the Matter.

3d The deposition of a witness residing
out of the State & more than 100 Miles
from the Place of trial cannot legally be
taken or read in evidence, the testimony
of a witness thus situated, can only
be taken under a commission or ~~under~~
a stipulation.

4th The certificate of the Person before
whom the deposition purports to have
been taken is utterly insufficient under
the Act of Congress &c-

5th It does not appear but that the said
Samuel Camp is still a resident

of the Village of Marshall in the State of Michigan where the Attorneys of the Plffs resides.

Pratt & Crary
Attys for Plff.

Circuit Court of the U.S.
for Dist of Mich.
Francis Gilbert
vs
Charles T. Gorham et al
Objections to deposition
of Samuel Calkins

Pratt & Crary
Attys for Plff.

Filed Nov. 10. 1858
in the afternoon
Jn Winder
Clerk

Circuit Court of the United States
for the Seventh Circuit and District of Michigan

Charles V. Graham, Oliver C. Comstock, Orin Asa B. Cook, Louis Hurd, John M. Easterly, George Duguoll, William D. Rector, Herman Camp, Randall Hobart, Planter Hop. William Parker, Charles Burgin and James Smith

vs

Francis Giltner

Please Defendants William Parker, Randall Hobart and William D. Rector imparlanded as aforesaid at the suit of Francis Giltner in an action of trespass in the case, by Henry K. Clark their attorney - come and defend the force and injury when &c and say that they are not guilty of the said supposed trespass above laid to their charge, or any or either of them, or any part thereof in manner and form as the said plaintiff hath above thereof complained against. And of this they the said Defendants put themselves upon the Country &c

Henry K. Clark
Atty for Defts
William Parker, Randall Hobart and William D. Rector

No 1900.

Circuit Court U. S. for the Dist. of Michigan

Charles T. Galvin et al

vs

Francis Gilman

Plea of Deft

Pleas. Rector &c to Court

Filed May 31st 1848

Jno Winder Clk
By Geo G Bull Deputy

H. K. Clark Atty for Deft

Circuit Court of the United States
for the 7th Circuit and District of Indiana

Charles Bergen impleaded with Charles
T. Fabian Oliver C. Comstock Lemuel
Asa B. Cook, Jarvis Hand, John M.
Easterly, George Ingersoll, William D.
Porter, Herman Camp, Randall Hobart,
William Parker and James Smith.

Francis Vidtor

This defendant impleaded as aforesaid
with Charles T. Fabian, Oliver C. Comstock Lemuel,
Asa B. Cook, Jarvis Hand, John M. Easterly, George
Ingersoll, ~~George Ingersoll~~, William D. Porter, Her-
man Camp, Randall Hobart, Porter ads. William
Parker and James Smith By Wells & Cook his
Attorneys comes and defends the wrong and injury
when &c and says as to the sixth and seventh counts
of said declaration that he is not guilty of the
said supposed grievances laid to his charge in
said counts, or any or either of them or any part
thereof in manner and form as the said plaintiff
hath above thereof in said counts complained against
him and of this he puts himself upon the country &c.

And as to the said first count of said dec-
laration, the said defendant impleaded as afore-
said by his said Attorneys comes and defends
the wrong and injury when &c and says that the
said first count of the said declaration and
the matters therein contained as the same are
therein stated and set forth are not sufficient
in law for the said plaintiff to have or maintain
his aforesaid action thereof against the said
defendant and that he the said defendant is not

bound by law to answer the same and this he is ready to verify. Wherefore by reason of the insufficiency of the said first count of the said declaration in this behalf. the said defendant in pleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant, in pleaded as aforesaid, according to the form of the Statute in such case made and provided. Saith and shows to the Court here the following causes of demurrer to the first count of said declaration, that is to say -

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. eighteen hundred and forty three the time of the alleged escape, the said Adam, Sarah Crofswhite, Sarah Crofswhite, John Anthony Crofswhite, Benjamin Franklin Crofswhite, Cyrus Jackson Crofswhite and Lucretia Crofswhite were held to labor or service by the said Plaintiff. or were his slaves or that he owned and held them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on the twenty seventh day of January A.D. Eighteen hundred and forty seven the plaintiff had any right to the labor and service of said Adam Crofswhite, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service or labor.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped.

Fifth. There is manifest repugnance in said count in stating the time when the persons above named escaped into the village of Marshall.
Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.
Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugatives from labor.
Eighth. It does not appear said first count and is not therein averred or shown with legal certainty in what manner, or by what agencies or means the defendants rescued said persons. The allegation is general that there was a rescue, without any specification of the particulars or means and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.
Ninth. It does not appear from said first count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendant aided or assisted the said persons in making their escape.
Tenth. There is no specification in said first count of any statute of the United States and no intelligable reference to any particular statute for the violation of which or under which this action is brought.

And for that said first count of said declaration is in other respects uncertain, informal and insufficient &c

And as to the second count of said declaration, the said defendant impleaded as aforesaid, by his said Attorneys, comes and defends the wrong and injury when &c. and says, that the said second count of the said declaration, and the matters therein contained in manner and form as the same are above set forth and stated, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against him the said defendant, and that he the said defendant is not bound by law to answer the same, and this he is ready to verify. Wherefore by reason of the insufficiency of the said second count of said declaration in this behalf, the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him.

And the said defendant impleaded as aforesaid, according to the form of the statute in such case made and provided, states and shows to the court here the following causes of demurrer to the second count of said declaration, that is to say-

First. There is no averment in said count in legal and traversable form, that on the Sixth day of August A. D. Eighteen hundred and forty three, the time of the alleged escape, that the said Adam Crofutt Sarah Crofutt, John Anthony Crofutt, Benjamin Franklin Crofutt, Lyman Ashton Crofutt and Lucretia Crofutt were held to labor or service by the said plaintiff or were his slaves or that he owned and had them in his control and custody.

Second. There is no averment in said Count in legal and traversable form that on twenty sixth day of May eighteen hundred and forty seven, the plaintiff had any right

to the labor and service of said Adam, Sarah, Benjamin ~~Franklin~~, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to ~~labor~~ service or labor.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped.

Fifth. There is manifest repugnance in said count in stating the time when the said persons above named escaped on to the village of Marshall.

Sixth. It is not averred in said count with proper certainty in traversable form when said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said second count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars or means and is vague unTechnical and not admitting a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. It does not appear from said second count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the Plaintiff.

Tenth, There is no specification in said second count of any Statute of the United States and no intelligible reference to any particular Statute for the violation of which or under which this action is brought.

And for that said second count of said declaration is in other respects uncertain, informal and insufficient &c

And as to the third Count of said declaration the said defendant, impleaded as aforesaid, by his said Attorneys, comes and defends the wrong and injury when &c and says that the said third count of said declaration and the matters therein contained, in the manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant. And that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore by reason of the insufficiency of the said third count of said declaration, in this behalf, the said defendant impleaded as aforesaid, prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action against him &c

And the said defendant, impleaded as aforesaid according to the form of the Statute in such case made and provided, Saith and shows to the court here the following causes of demurrer to the third count of said declaration, that is to say:-

First. There is no averment in said count legal and traversable from that on the fifth day of August

eighteen hundred and forty three, the time of the alleged escape, the said Adam Crofswhite, Sarah Crofswhite, John Anthony Crofswhite, Bajamin Franklin Crofswhite, Cyrus Jackson Crofswhite, and Lucretia Crofswhite were held to labor or service by the said plaintiff or were his slaves or that he owned and had them in his custody and control.

Second. There is no averment in said court in legal and traversable form that on the first day of December eighteen hundred and forty three the plaintiff had any right to the labor and service of said Adam Sarah Ann Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia or that they were then held to labor or service.

Third. There is no averment in said court in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said court whence said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnance in said court in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It is not averred in said court with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said court in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugatives from labor.

Eighth. It does not appear from said third court and is not therein averred or shown with legal certainty ~~of time and place~~ in what manner or by what agencies or means the defendants hindered & prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general that there

was a hindering and preventing, without any specification of the particulars and means and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action & the ground of complaint against them.

Ninth. There is no averment in legal and traversable form that on the seventh day of January eighteen hundred and forty seven the said persons were fugatives from labor as they had continued such from the time of their alleged escape, nor that on that day they were in Marshall.

Tenth. There is no specification in said third count of any statute of the United States and no intelligible reference to any particular statute for the violation of which & under which this action is brought.

And for that said third count of said declaration is in other respects uncertain, informal and insufficient &c.

And as to the said fourth count of said declaration, the said defendant, impleaded as aforesaid, by his said Attorneys comes and defends the wrong and injury when &c, and says that the said fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiffs to have & maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same, and this he is ready to verify. Wherefore by reason of the insufficiency of the said fourth count of said declaration in this behalf, the said defendant impleaded as aforesaid,

prays judgment, and that the said plaintiff may be barred from having & maintaining his aforesaid action thereof against him &c.

And the said defendant in pleading as aforesaid according to the form of the statute in such case made and provided, states and shows to the court here, the following causes of demurrer to the fourth count of said declaration, that is to say-

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three, the time of the alleged escape, the said Adam Crofswhite, Sarah Crofswhite, John Anthony Crofswhite, Benjamin Franklin Crofswhite Cyrus Jackson Crofswhite and Lucretia Crofswhite were held to labor & service by the said plaintiff as were his slaves.

Second. There is no averment in said count in legal and traversable form that on the tenth day of December A.D. one thousand eight hundred and forty three the plaintiff had any right to the labor and service of the said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service & labor, nor is there any such averment in regard to the twenty seventh day of January A.D. Eighteen hundred and forty seven.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count, whence said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnance in said count in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It does not appear in said count with sufficient certainty and in traversable form that the said

persons were fugatives from labor on twenty seventh January A. D. Eighteen hundred and forty seven.

Seventh. There is no averment in said count in legal and traversable form, with certainty of time and place of notice to the defendants that the said persons were fugatives from labor.

Eighth. It does not appear from said fourth count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants interfered, obstructed, hindered the agents of the Plaintiff in recovering and seizing said persons. The allegation is general, that the defendants interfered, obstructed and hindered, without any specification of the particulars or means and is vague, untechnical and not admitting of a traverse a denial and not sufficient to inform the defendants of the course of action or ground of complaint against them.

Ninth. There is no specification in said fourth count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought.

And for that said fourth count of said declaration, is in other aspects, uncertain, informal and insufficient &c

And as to the said fifth count of said declaration, the said defendant, impleaded as aforesaid, by his said Attorneys comes and defends the wrong and injury when &c and says that the said fifth count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his aforesaid

action thereof against the said defendant, and that he the said defendant, is not bound by law to answer the same, and this he is ready to verify. Wherefore by reason of the insufficiency of the said fifth count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment and that the said plaintiff may be barred from having & maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided saith and shows to the court here, the following causes of demurrer to the said fifth count of said declaration, that is to say

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three, the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves.

Second. There is no averment in said count in legal and traversable form that on the fifteenth day of December A.D. one thousand eight hundred and forty three, the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service or labor, nor that they were so held to labor or service on twenty seventh January A.D. Eighteen hundred and forty seven.

Third. There is no averment in proper and traversable form that on the twenty seventh of January A.D. eighteen hundred and forty seven the said persons were fugitives from labor.

Fourth. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugatives from labor.

Fifth. It does not appear from said fifth count and is not therein averred or shown with legal certainty in what manner & by what agencies or means the defendants obstructed the agents of the plaintiff in seizing said persons. The allegation is general that they obstructed them without any specification of the particulars or means and is vague, unsystematical and not sufficient to inform the defendants of the cause of action or grounds of complaint against them.

Sixth. There is no specification in said fifth count of any Statute of the United States and no intelligible reference to any particular Statute for the violation of which or under which or under which this action is brought.

And for that said fifth count of said declaration is in other respects uncertain, infirmable and insufficient &c

Wells & Cook Attys
And of Counsel for Defts.
Charles Bergen.

1900

Circuit Court of the United States for the Eastern District of Michigan.

Charles Bergen et al

vs

Francis Dittner

Plea of Gen Issue and Lem. of Defts Bergen

Filed July 30. 1847

F. C. Vinton Clerk

By Geo. S. Bull Deputy

Wells & Cook Attys & Counsel for Defts Bergen.

Circuit Court of the United States
for the 7th Circuit & District of Michigan

Plaintiff's Roop. impleaded with James
Smith Charles D. Graham Oliver C.
Comstock Junior Asa B. Cook. Davis
Hurd. John M. Easterly. George Ingersoll
William D. Rester. Herman Camp
Randall Hobart William Parker and
Charles Bergen

vs

Francis Gittens

And this defendant impleaded as aforesaid
with James Smith. Charles D. Graham Oliver C.
Comstock Junior. Asa B. Cook. Davis Hurd.
John M. Easterly George Ingersoll William D.
Rester Herman Camp. Randall Hobart William
Parker and Charles Bergen. By Wells & Leach
his Attys. comes and defends the wrong and
injury when &c and says to the sixth and
seventh counts of said declaration, that he is
not guilty of the said supposed grievances
said to his charge, in said counts or any or
either of them or any part thereof in manner
and form as the said Plaintiff hath above thereof
in said counts complained against him
and of this he puts himself upon the country &c

And as to the said first count of said
declaration, the said defendant impleaded
as aforesaid, by his said Attorneys, comes and
defends the wrong and injury when &c. and says
that the said first count of the said declaration
and the matters therein contained in manner
and form as the same are therein stated and

set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore by reason of the insufficiency of the said first count of said declaration in this behalf the said defendant, impleaded as aforesaid, ~~praying~~ & the pays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant, impleaded as aforesaid, according to the form of the statute in such case made and provided, states and shews to the court here the following causes of demurrer to the first count of said declaration, that is to say:

First. That there is no averment in said count in legal and traversable form, that on the fifth day of August A.D. Eighteen hundred and forty three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite Benjamin Franklin Crosswhite, Agnes Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves, or that he owned and held them in his actual and control.

Second. That there is no averment in said count in legal and traversable form that on the twenty seventh day of January A.D. Eighteen hundred and forty seven the plaintiff had any right to the labor and service of said Adam Sarah, John Anthony, Benjamin Franklin,

Cyrus Dockson and Lucretia and that they were then held to service & labor.

Third. There is no averment in said count in legal and traversable form that said persons above named, escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped.

Fifth. There is manifest repugnance in said count in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place, of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said first count and is not therein averred or shown with legal certainty, in what manner or by what agencies or means the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars & means and is vague, unclerkinical and not admitting of a traverse & denial and not sufficient to inform the defendants of the cause of action & ground of complaint against them.

Ninth. It does not appear from said first count and is not therein averred or shown with legal certainty in what manner or by what means the defendants aided or assisted the said persons in making their escape

Fourth. There is no specification in said first count of any Statute of the United States and no intelligible reference to any particular Statute the violation of which or under which this action is brought.

And for that said first count of said declaration is in other respects uncertain informal and insufficient &c

And as to the second count of said declaration. the said defendant impleaded as aforesaid by his said Attorys comes and defends the wrong and injury when &c and says. that the said second count of said declaration and the matters therein contained in manner and form as the same are above set forth and stated are not sufficient ~~to entitle~~ in law for the said plaintiff to have and maintain his aforesaid action thereof against ~~him~~ him the said defendant, and that he the said defendant is not bound by law to answer the same. and this he is ready to verify.

Wherefore by reason of the insufficiency of the said second count of said declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgment and that the said plaintiff may be barred from having and maintaining his aforesaid action thereof against him

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, States and shows to the court here, the following causes of demurrer to the second count of said declaration, that is to say—

First. There is no averment in said count

in legal and traversable form that on the
sixth day of August A.D. Eighteen hundred
and forty three, the time of the alleged escape,
that the said Adam Crosswhite, Sarah Cross-
white, John Anthony Crosswhite, Benjamin
Franklin Crosswhite, Lyons Jackson Crosswhite
and Lucretia Crosswhite, were held to labor
or service by the said plaintiff as were his
slaves, or that he owned and had them in his
custody and control.

Second. There is no averment in said count
in legal and traversable form that on twenty
sixth January eighteen hundred and forty seven
the plaintiff had any right to the labor and
service of said Adam Sarah, John Anthony, Benjamin Franklin Lyons Jackson
and Lucretia or that they were then held
to service or labor.

Third. There is no averment in said count
in legal and traversable form that said per-
sons above named escaped from the State of
Kentucky.

Fourth. It does not appear from said
count, whence said persons escaped.

Fifth. ~~It is not averred~~ There is a manifest
repugnancy in said count in stating the time
when the persons aforenamed escaped into the
village of Marshall.

Sixth. It is not averred in said count with
proper certainty and is traversable form when
the said persons escaped into Marshall

Seventh. There is no averment in said count
in legal and traversable form with certainty
of time and place of notice to the defendants
that the said persons were fugatives from labor.

Eighth It does not appear from said second count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars or means, and is vague unstechnical and not admitting a traverse or denial and not sufficient to inform the said defendants of the cause of action or ground of complaint against them.

Ninth. It does not appear from said second count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Tenth. There is no specification in said second count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought.

And for that said second count of said declaration is in other respects uncertain informal and insufficient &c

And as to the third count of said declaration, the said defendant pleaded as aforesaid, by his said Attorneys, comes and defends the wrong and injury when &c and says that the said third count of said declaration and the matters therein contained in the manner and form as the same are above stated and set forth are not sufficient

in law for the said plaintiff to have a maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same and this he is ready to verify wherefore by reason of the insufficiency of the said third count of said declaration in this behalf, this defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having & maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided, States and shows to the court here the following causes of demurrer to the ~~said~~ third count of said declaration that is to say

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three the time of the alleged escape the said Adam Crapwhite Sarah Crapwhite, John Anthony Crapwhite, Benjamin Franklin Crapwhite, Cyrus Jackson Crapwhite and Lucretia Crapwhite were held to labor or service by the said plaintiff or were his slaves or that he owned and had them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on the first day of December Eighteen hundred and forty three the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service or labor

Third. There is no avement in said count in legal and traversable form that the said persons above named escaped from the stat of Kentucky.
Fourth. It does not appear from said count where said persons escaped. nor to what place escaped
Fifth. There is manifest ungramme in said count in stating the time when the persons above named escaped into the village of Marshall.
Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall
Seventh. There is no avement in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugotives from labor.
Eighth. It does not appear from said third count and is not therein avered a plain with legal certainty, in what manner or by what agencies a means the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is genral that there was a hindering and preventing, without any specification of the particulars and means and is vague, unstechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or the grund of complaint against them.
Ninth. There is no avement in legal and traversable form that on the twenty seventh day of January Eighteen hundred and forty seven the said persons were fugotives from labor or that they had continued such from the time of their alleged escape un to said day Marshall they were.

Fourth. There is no specification of in said third count of any Statute of the United States and no intelligible reference to any particular Statute for the violation of which or under which this action is brought.

And for that said third count of said declaration is in other respects uncertain insufficient and insufficient &c

And as to the said fourth count of said declaration the said defendant, impleaded as aforesaid, by his said Attorys. comes and defends the wrong and injury when &c and says that the said fourth count of the said declaration and the matters therein contained, in manner and form as the same are therein above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same, and this he is ready to verify. Wherefore by reason of the insufficiency of the said fourth count of said declaration in this behalf. the said defendant, impleaded as aforesaid, prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said declaration - that is to say -

First. There is no averment in said count in legal and traversable form that on the fifth day of ~~December~~ August A.D. Eighteen hundred and forty three the time of the alleged escape, the said Adam Crossbuite. Sarah Crossbuite, John Anthony Crossbuite. Byamin Franklin Crossbuite, Cyrus Jackson Crossbuite and Lucretia Crossbuite were held to labor a service by the said plaintiff or were his slaves.

Second. There is no averment in said count in legal and traversable form that on the tenth day of December A.D. eighteen hundred and forty three, the plaintiff had any right to the labor and service of said Adam. Sarah, John Anthony. Byamin Franklin. Cyrus Jackson and Lucretia, and they were then held to service or labor nor is there any such averment in regard to the twenty seventh day of January A.D. Eighteen hundred and forty seven.

Third. There is no averment in said count in legal and traversable form, that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped. Nor to what place ~~to~~ the capital

Fifth. There is manifest repugnance in said count in stating the time when the persons above named escaped into the Village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form that the said persons were fugatives from labor on twenty seventh January A.D. Eighteen hundred and forty seven.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to said defendants that the said persons were fugatives from labor.
Eighth. It does not appear from said fourth count and is not therein averred & shown with legal certainty for what manner or by what agencies or means the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering and seizing said persons, The allegation is general that the defendants interfered, hindered and obstructed, without any specification of the particulars or means, and is vage, unscientical, and not admitting of a traverse or denial and not sufficient to inform the said defendants of the cause of action or ground of complaint against them.
Ninth. There is no specification in said fourth count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought.

And for that said fourth count of said declaration is in other respects uncertain informal insufficient &c

And as to the said fifth count of said declaration, this defendant, impleaded as aforesaid by his said Attorneys, comes and defends the wrong and injury when &c and says that the said fifth count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set

forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and the said defendant is not bound by law to answer the same and this he is ready to verify - Wherefore by reason of the insufficiency of the said fifth count of said declaration in this behalf, the said defendant, impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided comes and shows to the court here the following causes of demurrer to the said fifth count that is to say -

First. That is no averment in said count in legal and traversable form that on the fifth day of August A.D. eighteen hundred and forty three the time of the alleged escape, the said Adam a Negro slave Sarah a Negro slave, John Anthony a Negro slave, Benjamin Franklin a Negro slave, Lyus Jackson a Negro slave and Lucretia a Negro slave were held to labor & service by the said plaintiff as were his slaves.

Second. That is no averment in said count in legal and traversable form that on the fifteenth day of December A.D. eighteen hundred and forty three the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin Lyus Jackson and Lucretia & that they were then held to service & labor, nor that

they were so held to labor or service on twenty seventh January A.D. Eighteen hundred and forty seven.

Third. There is no averment in proper and traversable form that on the twenty seventh of January A.D. Eighteen hundred and forty seven the said persons were fugatives from labor.

Fourth. There is no averment in said count in legal or traversable form with certainty of time and place, of notice to the defendants that the said persons were fugatives from labor.

Fifth. It does not appear from said fifth count and is not therein averred or shown with legal certainty in what manner or by what agency or means the defendants obstructed the agents of the plaintiffs in seizing said persons. The ~~averment~~ allegation is general ~~in general~~ that they obstructed them without any specification of the particulars or means and is vague, untechnical and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth. There is no specification in said fifth count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought.

And for that said fifth count of said declaration is in other respects uncertain, informal and insufficient &c.

Wells & Cook Attys and
of Counsel for Defts.

1900

Circuit Court of the U. S.
for the 7th Circuit & Dist of
Michigan

Planter Moss et al
ads
Francis Gittner.

Plea & Demr of
Deft. Moss.

Filed July 30. 1847
Jno Winder Clerk
By Geo G Bull
Deputy

Walk H Cook
Attys & Of Counsel for
Deft. Moss.

Circuit Court of the U.S.
for the 7th Circuit & District
of Michigan

Francis Gelbin
vs
Charles T. Gorham & al

It is mutually stipulated by the parties in this cause that the depositions of the following witnesses may be taken without any previous order or formal notice with the like effect as if the usual preliminaries had been gone through with. Nov. 6. 1848

John Van Arman
Counsel for Defts
Pratt & Geary
for Pltff

Pursuant to the above Stipulation the said J. D. Cuykendall

J. D. Cuykendall being duly Sworn Cautioned & sworn to speak the truth the whole truth & nothing but the truth says. That he is 30 years of age & a merchant & resides in the village of Marshall & has resided there for 12 years past & upwards. Knows all the defendants in this suit ~~except Gorham~~ but does not know the plaintiff. Knew Adam Crosby a colored man & his family who resided in Marshall in the winter of 1847. Recollects an attempt made during that winter by Lyman Hinchman to take the Crosbys away. Thinks it was in the month of January 1847. Recollects a trial at Justice Robbins office in Marshall on the day of that occurrence.

in which the Kentuckians Mr. Troutman & others were defendants. Saw the defendant Gorham, Hurd, & Planter Moss there. There seemed to be a good deal of excitement there among the crowd who were attending upon the trial, the room was full. There was a good deal of talk there in the room. Dont recollect whether the excitement was to get the Coprolites or the Kentuckians 3 away. There was a good deal of talk against the Kentuckians & of feeling against them. Dont recollect what was said in Remembers seeing the Coprolite boys while on the stand as witnesses recollects their being cross examined by Mr. Troutman.

Being asked whether he recollects their being cheered by the crowd while giving their testimony.

He answers. He thinks he does recollect their being cheered while testifying.

There was a good deal of noise made by the crowd while the trial was going on & confusion & interruption by them. 4

Being asked whether after leaving the place of trial that evening he met either of the defendants.

He answers he did. Met Bryan nearly opposite Smith's livery stable.

Being asked to state the conversation he had with Bryan
asked him to get the Coprolites out of town
[illegible] get the [illegible] from the

to help get his Corpolute out of town
in order to Rob him away from the
Kentuckians - Simon D. Harris was
then with Burgan - & they seemed to be
in company together

John D. Kinkead

2.

N. K. Maniates The examination having been adjourned till
9 o'clock A.M. on the 3rd day of November
1868 & further continued till 3 o'clock P.M.
of that day -

Nicholas K. Maniates being duly sworn to speak
the truth the whole truth & nothing but
the truth Says that he is 33 years of
age & resides in the village
of Monfalcone & that in the month
of May 1867 - knows the defendants in this
suit but not the plaintiff - Recollects
an attempt made by some Kentuckians
to get the Corpolute family from Mons-
falcone. was on the ground the day
the attempt was made - near Corpolute's
residence - Went there between 7 & 8 o'clock
in afternoon think it was after 8 o'clock
There was a crowd of some 40 or 50 men
assembled there The conversation among
them was about taking the Slaves - There
was some Epithets used by the crowd
towards the Kentuckians - Heard some
persons shouting at Patterson the negro
& charging him with being a traitor
Shaving betrayed the Corpolutes to the
Kentuckians - Patterson appeared there on

3

4.

horseback virginia a dirk & armed with a gun & a cutlass or two, & attempted to make a speech. Should a pity from the demeanour of the people that the more disposition to the taking of the slaves.

Being asked - Would you have regarded it as unsafe for the Kentuckians & have made the attempt to take the slaves while you were on the ground?

He answers. He thinks such an attempt would have been dangerous. Should not like to have made it himself.

On Cross Examination by Defts. counsel he says.

Being asked if he can recollect what was said then by any person on the ground?

He answers that he cannot particularize any further than that he heard remarks about the taking of the slaves away. & the shouting at Patterson.

Patterson said when he came at them, "Gentlemen Ladies, will you suffer your children to be taken away into bondage?" & on this, numbers from the crowd rushed towards him. and as he thinks, Johnston among others shouted at him & drove him off - charging him with being a traitor, as before related.

Being asked whether he knew any of the defendants then?

He says he don't recollect seeing defendant Graham then - can't tell whether he saw Comstock or Hurd.

His mind is confused as to the whole [illegible] have heard them

ed is confused as to the whole

9 offered there he should have heard them offered in a loud tone of voice & the attention of the crowd called to them.

R. K. Manintes

3.
W. J. Powell The Examination was then adjourned till halfpast six o'clock P.M. at which time William J. Powell being sworn to speak the truth the whole truth & nothing but the truth says that he is 30 years of age & upwards resides in the village of Marshall & resided in the vicinity in the winter of 1847. Knows the the defendants in this suit but not the plaintiff — Recollects the oc-

10 currence of an attempt being made by some Kentuckians to capture the Crosswhite family at Marshall in 1847. Was in the village of Marshall either that day or the next day after — was ~~Saw several of the defendants~~ at Justice Hobarts office on that day & there was a good deal of talk in the room — thinks it was just before the trial of the Kentuckians came on that he went into the room, the crowd there were busy talking about the occurrence — Saw the defendant Gorham there dont remember whether he saw Hurd — Heard Mr. Gorham

11 there say that the Kentuckians had backed out of their offer — Witness was at that moment talking with a person whose name he afterwards learned was Hewitt — when Mr. Gorham came

6

up. & made the above remark. & on his making it. either myself or the person he was talking with asked him what offer Mr. Howard Gorham had made the Kentuckians had & 250 for the privilege of taking the Cooper whole family unmolested by the whites that they had accepted their proposition and they the Kentuckians had backed out. Mr. Gorham in speaking of the acceptance of the proposition said he accepted it

12 Being asked whether it was remarked this by any one that the Cooperites had gone

He answers. He does not recollect hearing any thing said about that then

Thinks he saw John H. Wells that day but thinks not in the Justices office. but elsewhere Soon after leaving the office

On Motion by Defts counsel

Did Wells say any thing to you about the Cooperites having gone off on your meeting with him that day?

Objected to by Deft. & answer taken subject to objection

13 He answers. He did. Wells mentioned to me that the Slaves were gone & thinks he said. We sent them off. & thinks he said also that Mr. Ingersoll had gone down on the Cars to meet them.

There was a watchful anxiety the people he saw on that occasion in the Justices office a very high state of

excitement. From what he heard & saw there. he judged that the excitement was towards the Kentuckians. Thinks the Mr. Hewitt he was talking with at the Justices office as above mentioned was the grocery keeper Prentiss S. Hewitt. but cannot say positively that that man was engaged in conversation with him at the moment Mr. Gorham made the remark above given. — Thinks Mr. Hewitt was excited. Thinks he was the most excited of the only cool person there — thought there was a high state of excitement pervading the whole crowd. — Wells was in the room from 15 minutes to half an hour

On Cross Examination he says

He thinks it was about 9 or 10 o'clock in the forenoon when he was at Justice Hobarts office Besides Mr. Gorham & Hewitt. thinks he saw Mr. Gibbs, Mr. Johnston (William Johnston) & Mr. Hughes — Will not be positive whether he was at the Justices office the first or second day. Thinks it was the first day of the trial when Mr. Gorham made the remark above detailed — Upon reflection thinks it was on the second day that he heard Wells say the Gospellers were gone — Is positive he was there on one occasion during the trial. Cannot say whether that was the first or second day

7

He recollects distinctly hearing Mr. Gordon
objecting to some testimony that was
offered & heard Mr. Hughes addressing
the court - On the day that Mr. Gor-
16 ham made the remark about the
Kentuckians backing out of the offer
he saw there in the room almost every
body he at that time knew in town - This witness
is he saw Squire Hobart in the office at
that time - It was the conversation there
which led the witness to think there was a great
deal of excitement among the people
in the room - He cannot say he was
there on two different days - He recollects
that on the occasion when he was there during
the progress of the trial - the people were more
quiet - but at that time he observed that
17 the room was full and that the people
there crowded round so near the Court
and parties that there was scarcely breath-
ing space about the justices table - from
apparent eagerness to hear them & his impression at the time
was that the bystanders were more forward
than they ordinarily were & took more
liberties than usual - On the first occasion
he was there there were a great many blacks there both
in the room ~~an~~ the hall on the stairs leading to the court room
and on the platform before - & at the head of the stairs #
Direct Examination resumed -

There were whites intermingled with the blacks -

Thinks it must have been the second day
18 that he was in at the trial - His recollection
is not clear as to the order of events, but
recollects distinctly that he was in the office
first in the morning when he heard the remarks
made by Mr. Gorham - Is positive as to hear-

made by Mr Graham. I do positive as to them-

Being asked ~~whether~~ whether there were any whites intermingled among the blacks that he saw there.—

He answered that there were — and that the blacks were mostly Malvoisans he saw them on the stairs in the hall leading to the Court room & on the platform below & at the head of the stairs — The whites were constantly moving about from place to place, so that there was sometimes a crowd in the room & sometimes but very few there — sometimes he thinks there were not over half a dozen there & at others the room would be full — sometimes the stairs would be crowded & but few in the Court room — & when the court room was crowded there were but few outside stairs — All of the ~~answers~~ above answers of the witness except what is said in relation to the whites being intermingled with the blacks — and the location of the blacks, is objected to as not being in answer to the question put.)

During the trial of the cause he saw several of the blacks in the court room but not at all times

Wm. J. Powell

4.
J. D. Potts.

The Examination was then adjourned till November 8th at at 8 o'clock A.M. at which time

James D. Potts being sworn to speak the truth the whole truth and nothing but

10

the 5th Dist. that he is 32 years of age & upwards. Resides in the village of Marshall resided there in the county of 1847, & for some 10 years prior to that time. Knows the white defendants in this suit but not the plaintiff. Knew Adam Crophite who formerly resided at Marshall & also two of his boys. Recollects the occurrence of an attempt in January 1847 to capture the Crophite family. was at Crophites house on that occasion a portion of the time. Went there as he thinks in the morning and arrived there about half past 8 o'clock Thinks there were about 75 persons there when he arrived on the ground. There were others came after he got there. Should think from the best of his recollection there were at one time there about 125 persons. Attack was there about half an hour. There were there about 20 blacks. Saw before he left there Mr. Reid Mr. Graham & Dr. Comstock. & thinks defendant Bangan whom the only one he knows of the colored defendants. The crowd was not stationary for any length of time but moving about. Appeared to be Engaged in talking. There was excitement on the part of the crowd as it appeared to him. It was about removing the Crophite family. Once in a while there was

said family. Once in a while there was [illegible]
the crowd some epithets used towards
23 the Kentuckians. Heard Genl. Haigh
say "let us make a ring & let the negroes
and Kentuckians fight it out". Does not recollect
any reply made to this by any one.
Heard old Mr. Camp say the Kentuckians
ought to be tarred & feathered & that he
would be one among a certain number
mentioned by him to do it. Does not
recollect any other remarks that he can
positive of except the above. Heard
Dr Comstock give his name. Heard
Easterly say he would go security for
Mr. Gorham, but did not hear the
latter give his name. Did not hear
24 any resolutions while he was there. left
before the crowd dispersed, Heard it
repeated there by several & almost every
body there said. that the family could
not be taken away & thinks it likely he
said so himself.

Being asked whether he heard either
of the defendants say any thing then

He answers. Not that he recollects.

Being asked whether in his opinion
it would have been safe while he was
there for the Kentuckians to have made
an attempt to take the Crosswhites."

He answers. In his own opinion it
25 would not have been safe

Being asked whether he heard either
of the defendants say at any other time
any thing against the taking away of the

Corporates -

He answers. He had some conversation with Mr. Gorham not long after the affair at which they both agreed (with Stone) that the Corporates could not have been taken on account of the excitement then.

On his Cross Examination, he says

Being asked whether he saw any of his white defendants there when he got to Corporates -

He answers. That Mr. Gorham answered them a few minutes before with, he'd not see Mr. Hand then till shortly after. That defendant Comstock got his way up there -, Saw Mr. Gorham in the conversation made in yard & Easterly was there when he proposed to back the former, Mr. Camp's remark above quoted was addressed to no person in particular but to the persons around him in an ordinary tone of voice. — Struck on his return from the ground to the Marshal house. He came immediately down there - he saw there J of the Rencontre. Left Mr. Boardman on the ground when he came away.

Being asked whether if a resolution had been offered to the crowd on the ground there in a loud tone so as to attract the attention of the crowd called to it - he should have [illegible]

- he should

He answers He thinks he should -
He staid at the Marshall house about 3/4 of an hour as near as he can recollect, had no means of measuring time - Mr. Troutman he does not recollect seeing there - Thinks if he had come while he was there should have seen him - To the best of his recollection he left none of the Kentuckians on the ground except Mr. Troutman -
28 when he came away

Direct Examination resumed -
Being asked whether any one person could have seen or heard all that was said or done there on the ground -
He answers - He thinks not
Being asked whether there was any excitement at the Marshall house after the crowd came away from Crosswhite's -
He answers - There was some loud talk, they & heard Prentiss S. Hewitt say the Kentuckians ought to be tarred and feathered -

5
P. Hoover

P. D. Potts

Peter Hoover being sworn to speak the
29 truth the whole truth & nothing but the truth says. That he is 44 years of age & upwards. Resides in the town of Marshall & resided in the village in the winter of 1847. Knows the white defendants in this suit. but not the
13 plaintiff. Knew Adam Crosswhite

who formerly lived at Marshall. Recollects
when an attempt was made to take away
the Crosswhites - Knows Simon Patterson
a colored man. Saw him and Bun-
gan together at Bungans house the
30 same day of the disturbance about
the Crosswhites - Patterson came there
to Bungans house - They had some words -
Bungan said to Patterson "if they were
all like you and Dixon, the slave
holders would come here & drag us
all off -" Bungan as witness thinks on
that occasion twitted Patterson with
being a traitor - heard him do so after-
wards - & he thinks at that time - After
they got into words - Patterson attempted
to draw a sword he had - Bungan
told him not to do it. & on Patterson
31 repeating the motion - Bungan seized
him & finally got him down & gave
him several blows & drew some blood
the sword in the meantime having been
drawn by Patterson. & taken by the women
out of his hands. in the scuffle.

Peter his X mark Hoover

Circuit Court of the U.S.
for the 7th Circuit & District of Michigan
Francis Giltner
vs.
Charles T. Gorham et al

Be it remembered that on the 6th day of November 1848. in pursuance of the request of the Counsel for the plaintiff & by the consent of the defendants within named Geo. W. Imlay Esq. one of the County of Calhoun proceeded to the examination of the witnesses named in the foregoing depositions - having first ~~sworn~~ administered to each of said witnesses an oath - to speak the truth the whole truth & nothing but the truth touching the matters in difference in said cause. & continued such examination from time to time till the same was completed - and that on the examination of each of said witnesses the plaintiff by his Counsel and the defendants by Mr. Gorham or their Counsel W. Van Antwerp attended and interrogated said witnesses as they saw fit - And that the reason for taking the depositions of said witnesses was that they each of them resided more than One hundred miles from the place where said cause was directed to be tried. when the Court for the first Thursday was by law appointed to be held

And I further certify that the preceding depositions were reduced to writing by me and signed respectively by the said John D. Cuykendall, Nicholas H. Marsiates, William J. Powell & David D. Potts - in my presence - and that the

Said John Hoover not being able to write his name the same was written by me at his request & his marked made thereto by his own hand also in my presence.

And that I am not of counsel or attorney for either of the parties to the said suit, nor am I interested in the Event thereof.

Dated November 8th 1848

Geo. Woodruff
County Judge
Calhoun Co. Mich.

No. 1900
Circuit Court of U.S.
for 7th Cir & Dist.
Mich.

Francis Giltner
vs
Charles T. Gorham
et al.

Depositions taken
by Geo. Woodruff.
Co. Judge Calh.
Co.

31. fol. 5 wits.

I certify that on this 10th day of Nov. 1848 I rec.d the within deposition from the Post office in Detroit, and on the same day in open Court I broke open and filed the same

Jno. Winder
Clerk

Witnesses	3
J. D. Cuykendall	1
N. L. Maniater	3
W. J. Powell	5
J. D. Potts	9
R. Hoover	13.

Be it remembered that on the
19th day of October 1848 at Mar-
all in the County of Calhoun and State
of Michigan application was made
to me George Wm Duff County Judge
of said County of Calhoun upon the
affidavit of Hooey K. Clark stating
that he the said Clarke was of Counsel
for Charles T. Gorham Lewis Hunt
Oliver C. Comstock Jr. & others defendants
in a cause pending in the Circuit Court
of the United States for the Eastern District
District of Michigan wherein Francis
Felton is plaintiff. that he believed
he was well acquainted with the
claim & grounds of the defence in said
cause & he truly believed that the testi-
mony of Lachlin Grant George Reed
Nancy Reed & Simeon D. Harris was
material and necessary for the said
defendants on the trial of said cause
that all the said witnesses lived at
Marshall in the said County of Cal-
houn & more than One hundred miles
from the City of Detroit where the Court
at which said deponent expected the
said cause to be tried was appointed
by law to be held; and that he was
informed & believed that Francis
Felton the above named plaintiff
resided in Carol County in the State
of Kentucky 300 miles & upwards from
the place where the examination of
said witnesses was expected & to be

taken
and that Messrs Pratt & Gray the attorneys
for the plaintiff resided at Marshall the
place where said examination is expected
to be had. And I was requested on
behalf of the said defendants that the
said Lachlin Grant, George Reed, Nancy
Reed and Simon D. Hamis might be
examined according to the directions
of the act of Congress in such case
made & provided. Whereupon I ordered
that the said Lachlin Grant, George Reed
Nancy Reed & Simon D. Hamis should
be examined before me at my office in
the village of Marshall on the 21st day of
October 1848 at 8 o'clock in the forenoon,
and that due daily notice should be
given to the said Messrs Pratt & Gray attor-
neys for the said plaintiff, of such exam-
ination to the end that they might if they saw
fit be present and put interrogatories, and
I having satisfactory proof that such
notice had been given, and the said
Nancy R. Clark appearing before me on the
said 21st day of October on behalf of said defendants
I have proceeded with said examination
And the said Nancy Reed being care-
fully examined cautioned and duly
Sworn to testify the truth the whole truth
& nothing but the truth says. That she
is 36 years of age & upwards. Resides in
the village of Marshall & has resided
there for two years past. Knows the
defendants with the exception of Dr. Comstock

but does not know the plaintiff. Knows the Crapsholite family who resided in Marshall in January 1845. Recollects the occurrence in the vicinity of an attempt by some Kentuckians to take away the Crapsholites. ~~[illegible]~~ Witness lived at that time about a quarter of a mile South west from the Court house in Marshall. First heard of the transaction by a coloured man who came to her house that morning to tell her husband what was going on. Witness started some time after hearing of the affair, to go to Crapsholites. Just heard it between day light and sun rise. In going to the place she went in company with Mrs White. Went up the street from her house to the National & then up Main street. While coming up Main street & nearly opposite the intersection of the street leading from the depot met the oldest Crapsholite boy when going down Main street. Further up the street & near the east side of the Square in front of the Merchants house she met 4 strangers whom she took to be Southern men coming down street west. took particular notice of a large man among them with a white speck in his eye with a blue blanket over coat on as the strangers, with a broad brim much worn fur hat on. Another of the four she observed had sandy whiskers. They looked pretty hard at witness as she passed and she said to them immediately

after passing. "You need not look so black at me for you cant get me - To this they made no answer. - A little distance further on the met Adam Crapholite - Proceeding on further about half way between John B. White's house & Crapholite's put as she was going through the hollow she met Mrs. Crapholite coming towards the village with Hackett - on meeting each other they turned about & came down with them to Hacketts house. Found one among at Hacketts house two of the younger Crapholite children - Mr Crapholite and the two children remained there at Hacketts till the witness left about one o'clock in the afternoon. The colored man who came to notify her husband on the morning of the homicide as above mentioned was Thomas Winfrey.

Nancy her + Reed
mark

4

The said Simon D. Nanis being sworn to speak the truth the whole truth & nothing but the truth says. That he is 33 years of age & upwards, resides in the village of Mandrake has resided there for nearly four years past - Knows all the while the defendants in this cause. but not the plaintiff Knew Adam Crapholite & his family who resided in Mandrake in January 1867 - Recollects an attempt made on the 27th day of January 1867. by some Kentuckians. to take away the Crapholites

5

as fugitives slaves — Heard of the affair on that morning while he was at breakfast. Recollects there was a candle burning on the table. but that on going out door which he did immediately after hearing of the affair it was broad day light. Went immediately up to Crapsolites — When he got there he saw four strangers whom he found afterwards to be Kentuckians, Mr. Dixon the deputy sheriff. the Crapsolite family — Calvin Hackett the barber — John B. White Van Dewitt. came directly after — Wetherup was then bounding at White's — & he and the boy started from there about the same time — the latter arrived there only a minute or so after Wetherup — The boy arrived just at the time when Boutman drew a pistol on Hackett & the report of one gun made Hackett to wards the village — & met his father some 15 rods from Crapsolites — Wetherup and Hackett came up to the door together on just arriving there the door was then off the hinges & open Wetherup saw one Kentuckian besides Boutman standing within & heard Dixons voice in the house — As Wetherup and Hackett came up Boutman was standing on the threshhold — Hackett put his hand on the door post to look in. when Wetherup saw Boutman draw a pistol from his left pocket, change it to his right hand, & placing his

8 fingers on the cock ~~[illegible]~~ the muzzle point it towards Hackett telling him to stand back
Hackett immediately wheeled saying something about getting some one to take care of him - & went off towards the village
When they went into the house & found 4 Kentuckians Mr Corporation & Dixon there - Dixon and the glass eyed man were endeavoring to induce Corporation to go with him to the Justices office & threatened to bind him if he would not go -
Dixon then began to take away a powder horn from him - Corporation resisted and an unwillingness to go at first. Afterwards consented to go before Squire Shearman and his wife. if they would get a carriage to take the children there - & give him a chance to get counsel to defend his rights - They consented that Corporation might go down to Squire Shearmans with Dixon - to get counsel for him - & they accordingly went both Corporation & Dixon together - At the same time a mckenzie left to get a carriage from the village to take his family - and in a very few minutes ~~[illegible]~~ witness saw a waggon at the door with a dozen Frontiersmen then urged the family to get aboard & they declined - said they would not go. Some 6 armed persons having arrived in the meantime & persuaded them not to go. Some little while de-
10 fendants taken on the ground at this time.

Applied this time there was no further effort
made by the Kentuckians to urge or com-
pel the Corporators to go that week saw.
a considerable number of Colored peo-
ple had by this time arrived. & the atten-
tion of the Kentuckians seemed to be di-
rected towards them & watched their
movements. Of the which defendant saw
Gorham & Craddock first on the ground
saw the former arrive in company with
several others individuals. one of whom
was Asza C. Robinson. & Recollect Mr.
Frontman was outside the gate. when some
11 one cried out there comes Gorham & others
Frontman's attention seemed to be directed
towards the party approaching. & he went
out of the yard towards them & met Mr.
Gorham and his company about 3 rods
South of the fence. Mr. Gorham as he came
near said good morning to Mr. Frontman
and asked him what the trouble was.
Mr. Frontman answered. that he as the agent
of Francis Gilkison of Carroll County. Kentucky
had come there to take the Corporators as
fugitives slaves. the property of Gilkison. & wanted
to take them before a justice according to law
Mr. Gorham asked by what authority he
proposed to take them or words to that effect.
12 Frontman replied by the law of 1793. Which
does not recollect precisely Mr. Gorhams answer
but it was substantially. that no doubt Mr.
Frontman had law enough to take them
if he could prove property, but that he
could see the people had taken the

law into their own hands. In the same conversation Boutman asked for Gorhams name and he gave it. After he had got down the name Boutman asked Graham if he understood him. That he should not like the slaves. Mr. Gorham replied "No. Sir" he did not mean ~~to~~ any such thing but waving his hand towards the crowd said it would be impossible to take them owing to the excitement then.

13

Soon after this interview Dep defendant Comstock and Mr. Boutman in conversation. Heard Comstock ask Boutman what the fuss or trouble was, and Boutmans answer similar to the one given in the first interview to Mr. Gorham as to what he had come after. Heard Comstock say to him. It was impossible for him to take the slaves by moral legal or physical force. Refer to the excitement in the crowd as a reason why they could not be taken. Thinks Comstocks manner was more earnest & determined but as calm as Mr. Gorhams. Heard the language of defendant Comstock about moral legal & physical force

14

Caught up by individuals in the crowd. & some seemed to have got the impression that he had said that the slaves should not be taken by moral legal or physical force and with such circumstances endeavored to or-

ect this inspection – as witness stood near Constock when the words were spoken & knew that such was not his meaning.

Up to the time that Messrs Gorham & Comstock came up there was a great deal of excitement among the crowd – immediately after they came the excitement 15 went down & gradually died away. Did not see defendant Hard till after Gorham & Comstock came on to the ground. It was mentioned by Mr. Troutman that he wanted to take the Negroes before the magistrate to be examined & in case he had a right to do so then to take them to Kentucky. Some persons in the crowd objected to their being taken before the magistrate, but witness recollects that Mr. Gorham said he had no objection to that, or did not see what objection there could be to it. if the family were willing to go. This was some little time after the said conversation between him & Troutman, Recollects Patterson a black man coming 16 on to the ground. He came up in a very excited noisy and boisterous manner with a gun and bed. Witness saw that there was a percussion cap on the gun, which witness took off without Patterson's knowledge. Mr. Gorham went to Patterson & took hold of his horse's head by the bridle & turned it towards the Village & told him to be off with himself & his noise & that his people were too much excited now & told him to clear

out — Patterson then went off towards the
village. Writes handsome resolutions offered
on the ground. Mr. Trautman offered the first.
17 The resolutions were offered near the close of the affair,
thinks when nearly half the people had gone
away. Dont recollect seeing any of the
Kentuckians then except Mr. Trautman at the
time the resolutions were offered. His impression
always had been that Mr. Trautman offered three
resolutions, that is two previous to the one
for adjournment. The substance of both resolutions
recollects was the same & that there was but
little difference in the phraseology. It is
possible that they may have been but one
but if only one it must have been by a proviso
instead of the two resolutions & the sub-
stance was — Resolved that we as a
law abiding people abide by the law
and Constitution & that we permit Francis
18 Trautman to take the Negroes before
a magistrate & in case he shall prove
property in them to take them to Kentucky,
and to this Mr. Gorham offered as
an amendment "provided he did it
legally" — Recollects Mr. Hinds resolution
which was substantially as follows — Resolved
that these Kentucky gentlemen, if they may be called
such, be allowed two hours to leave town in. & if
they fail to do so by that time that they be
prosecuted for breaking into a peaceable
citizens house — After the reading of Mr. Hinds
Mr. Trautman offered a resolution — Taking
out his watch out of his pocket & holding
it in his hand he said — It is now

11 oclock, Resolved that we adjourn to meet here again at two oclock and you will find me here on the ground. All then left the ground, & none were there when which left except one or two coloured persons shutting up the house. At the time of the Resolutions there seemed to be a good deal of excitement but not as much as there had been. There was at that time a good deal of joking & laughing. & Mr. Trowbridge seemed to enjoy it as much as any one. He thinks, before any of the White defendants arrived there Mr. Giltner said in the hearing of which, Gilr A. B. Leach, & perhaps others, that Kentucky had borne it long enough, & that if we could not come here & recover our property, Kentucky would march an armed force & on the town but what they would have their property. This was repeated among the crowd & promoted the excitement. Thinks the presence of the defendants Gorham and Comstock tended to allay the excitement, and which thought to at the time. He saw but very little of Hand while there. The resolutions were offered one right after another & took up but a very few minutes. Saw the Co-prohibitionist Family that night at Hackells house. Went there about 7 oclock P.M. & which remained there till 11 or 12 oclock at night & until the Co-prohibitionists went away. Did not see either of the White defendants there that night

Witness was not in the house at all, after defendant Gorham came on to the ground. Heard no resolutions offered till the one offered by Fountain, Thinks it is not possible a resolution should have been offered in a loud tone of voice calling attention to it, which witness would not have heard, just as impossible as it would be that one should now be offered in this room & not heard by him. Heard no resolution offered by defendant Gorham on the ground except the amendment or amendments already spoken of

S D Harris

And I do further certify that the said Witnesses were produced and examined on on behalf of the defendants, that their testimony was reduced to writing by myself and carefully read over to them and in my presence was subscribed by the said Nancy Reed by making her mark, and by the said Simon D. Harris by his own proper hand, and that the reason of taking the said depositions is that said witnesses live more than one hundred miles from the place of trial of said Cause. That I am not interested in the Event of said Cause and am not of Counsel or attorney for either party therein

Geo. Woodruff, County Judge
Calhoun Co. Mich.

Jan 11. 6.21. vir

Attendance on appn for order	$0.50
Oath & order 25	.37
Notice 25¢ Oath on affdt. 12	.37
Certy 5 fol	50
1 dupt attendance	1.50
Dr & depositions 21 fol	2.10
Dwg 2 writings	2.1
Certy endorsed	20
Engr 8 fol 6¢	1.8
	6.21

Cir. Court U.S.
for 7th Cir. & Dist. Mich

Charles T. Gorham et al
vs
Francis Troutman

Depositions of
Nancy Reed
Sim. D. Harris

Taken by
Wm. Woodbridge
County Judge
Cash. Co. Mich

Fee $6.21

I Certify that on
this 24. day of Oct.
1848 I rec'd the
written depositions
of the Complainants
in Detroit and on the
same day they were opened
in open Court and
filed therein
Wm. Woodbridge
Clerk

In the Circuit Court of the United States
for the Seventh Circuit, and District
of Michigan.

District of Michigan ss-

James Smith, impleaded with
Charles V. Gorham, Oliver C. Comstock
Junior, Asa B. Cook, Jarvis Hurd,
John M. Easterly, Jerge Ingersol,
William D. Rector, Hermon Camp,
Randall Dobort, Plaunter Moss,
William Parker & Charles Bergen,
Defendants.

vs

Francis Gillman, Plaintiff

And the said defendant,
James Smith, impleaded as afore=
=said with Charles V. Gorham, Oliver
C. Comstock Junior, Asa B. Cook, Jarvis
Hurd, John M. Easterly, Jerge In=
=gersol, William D. Rector, Hermon
Camp, Randall Dobort, Plaunter
Moss, William Parker & Charles
Bergen, by Wells & Cook, his At=
=torneys, comes and defends the
wrong and injury when &c. and
says, as to the sixth and seventh
counts of said amended declaration,
that he is not guilty of the
said supposed grievances and
to his charge in said counts
of said amended declaration, or any or
either of them, or any part
thereof, in manner and form
as the said Plaintiff hath above

thereof in said Counts of his said amended ^ declaration, complained against him, and of this he, the said defendant puts himself upon the country &c.

And as to the said first Count of said amended ^ declaration the said defendant, impleaded as aforesaid, by his said attorneys comes and defends the wrong and injury when &c, and says that the said first Count of the said amended ^ declaration, and the matters therein contained, in the manner and form as the same are there = in stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain = tain his aforesaid action thereof against the said defendant, and that he, the said defendant is not bound by law to answer = swer the same. And this he is ready to verify: Wherefore, by reason of the insufficiency of the said first Count of said amended ^ declaration in this behalf, the said defendant, impleaded as aforesaid, prays Judgement, and that the said Plaintiff may be barred from having or maintaining his aforesaid action thereof against him.

And the said defendant,

impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here, the following causes of demurrer to the said first Count of said amended Declaration; that is to say:-

First- There is no averment in said Count in legal and traversable form that on the eighth day of August A.D. Eighteen Hundred and Forty Three, the time of the alleged escape of the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, they were held to labor or service by the said Plaintiff, or were his slaves, and that he owned and held them in his custody and control.

Second- There is no averment in said Count, in legal and traversable form, that on the twenty seventh day of January, A.D. Eighteen Hundred and Forty Seven the said Plaintiff had any right to the labor and services of said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and

Lucretia Crosswhite, or that they were there held to service or labor.

Third - There is manifest repugnance in said Count in stating the time when the persons above named escaped into the Village of Marshall.

Fourth - It is not averred in said Count with sufficient certainty and intelligible from when the said persons escaped into the Village of Marshall.

Fifth - That is no averment in said Count in legal and traversable form, with certainty of time and place, of notice to the defendants that the said Adams, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia Crosswhite, were fugitives from labor.

Sixth. It is not averred in said first Count, and does not therefrom appear, nor is it therein shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general, that there was a rescue, without any specification of the particulars or means by which the rescue was effected, and

is vague, untechnical, and not
advancing of a traverse or denial; and
not sufficient to inform the de=
=fendants of the cause of action
or ground of complaint against
them.

Seventh - It does not appear
from said first Count, and is
not therein averred or shown
with legal certainty, in what
manner or by what agencies or
means, the defendant aided or
assisted the said persons in ~~making~~
making their escape.

Eighth - There is no specification
in said first Count of any Stat=
=ute of the United States, and no
intelligible reference to any
particular statute for the viola=
=tion of which, or under which,
this action is brought.

And for that said first
Count of said ~~declaration~~ amended declaration, is
in other respects uncertain, in=
=formal and insufficient.

~~And~~

And as to the
second Count of said amended declaration,
the said defendant, impleaded
as aforesaid, by his said Attor=
=neys, comes and defends the
wrong and injury when &c,
and says that the said second
Count of the said amended declaration,
and the matters therein contained

in manner and form as the same are therein set forth & stated, are not sufficient in law for the said Plaintiff to have & maintain his aforesaid action thereof against him, the said defendant, and that he, the said defendant, is not bound by law to answer the same. And this he is ready to verify. Wherefore, by reason of the insufficiency of the said second count of said amended Declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgement, and that the said ~~Defend~~ Plaintiff may be barred from having or maintaining his aforesaid action thereof against him.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the said second Count of said amended Declaration - that is to say:

First - There is no averment in said second count of said Declaration, in legal and traversable form, that on the sixth day of August A. D. Eighteen Hundred and Sixty Three, the time of the alleged escape, that the said Adam Crosslute, Sarah Crosslute, John Anthony Crosslute, Benjamin

Franklin Crosswhite, Cyprus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said Plaintiff, or were his slaves: or that he owned or had them in his custody and control.

Second - There is no averment in said Count, in legal and traversable form that on the twenty sixth day of January A.D. Eighteen Hundred and forty Seven, the Plaintiff had any right to the labor or service of the said Adam Sarah, John Anthony, Benjamin Franklin, Cyprus Jackson, and Lucretia, or that they were then held to service or labor -

Third - There is a material repugnancy in said Count in stating the time when the persons above named escaped into the Village of Marshall.

Fourth - It is not averred in said Count with proper certainty and in traversable form, when the said persons escaped into the Village of Marshall.

Fifth - There is no averment in said Count in legal and traversable form, with certainty of time and place, of notice to the defendants, that the said persons were fugitives from labor -

Sixth - It does not appear

from said second count, and is not therein averred or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general that there was a rescue, without any specifications of the particulars or means, and is vague, unintelligible and does not admit of a traverse or denial; and is not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh. It does not appear from said second Count, and is not therein averred or shown with legal certainty, in what manner or by what agencies or means, the defendants prevented the agents of the Plaintiffs from returning the said persons to the custody of the Plaintiffs.

Eighth. There is no specification in said second Count of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said

second Count of said amended declara-
=tion is in other respects, uncer-
=tain, informal and insuffi-
=cient.

And as to the
third Count of said amended declaration
the said defendant, impleaded
as aforesaid, by his said Attorneys,
comes and defends the wrong and
injury, when &c. and says
that the said Count of said
amended Declaration, and the matters
therein contained, in the manner
and form as the same are
therein stated and set forth, are
not sufficient in law for the
said Plaintiff to have or main-
=tain his aforesaid action there-
=of against the said defendant,
and that he the said defendant,
is not bound by law to answer
the same - And this he is ready
to verify - Wherefore, by reason
of the insufficiency of the said
third Count of said amended declaration
in this behalf, the said defendant,
impleaded as aforesaid, prays
judgement, and that the said
Plaintiff may be barred from
having or maintaining his
aforesaid action thereof against him,
&c.

And the said defendant,
impleaded as aforesaid, according
to the form of the Statute in such

case made and provided, states and shows to the Court here the following causes of demurrer, to the said third Count of said declaration - that is to say:

First - There is no averment in said Count, in legal and traversable form, that on the fifth day of August, Eighteen Hundred and forty three, the time of the alleged escape, the said Adam Crosslite, Sarah Cross=white, John Anthony Cross=white, Benjamin Franklin Crosslite, Cyrus Jackson Cross=white, and Lucretia Crosslite were held to labor or service by the said Plaintiff or were his slaves, or that he owned or had them in his control and custody.

Second - There is no averment in said Count, in legal and traversable form, that on the first day of decem=ber Eighteen Hundred and forty three, the Plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third - There is no averment in said Count, in legal and traversable form, with certainty of time and place, of notice to the Defendants that the said persons were fugitives from labor

Fourth - It does not appear from said third Count, & is not therein averred or shown, with legal certainty, in what manner, or by what agencies or means, the defendant hindered and prevented the agents of the Plaintiff from reclaiming and seizing said persons. The allegation is general that there was a hindering and preventing, without any specification of the particular means, and is vague, untechnical, and not admitting of traverse or denial, and not sufficient to inform the Defendants of the cause of action or the ground of complaint against them.

Fifth - There is no averment in said Count in legal and traversable form that on the twenty seventh day of January A. D. Eighteen Hundred and forty seven the said persons were fugitives from labor, or that they had continued such from the time of the alleged escape, nor that on that day they were in Marshall.

Sixth- That in no specification in said third count of any Statute of the United States, and no intelligible reference to any particular Statute, or the violation of which, or under which, this action is brought.

And for that said third Count of said amended declaration is in other respects uncertain, informal and insufficient.

And as to the said fourth Count of said amended declaration, the said defendant, impleaded as aforesaid, by his said Attorney, comes & defends the wrong and injury when &c, and says that the said fourth count of said amended declaration, and the matters therein contained, in manner & form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he the said defendant is not bound by law to answer the same. (and this he is ready to verify.)

Wherefore, by reason of the insufficiency of the said fourth count of said amended declaration, in this behalf, the said defendant, impleaded as aforesaid, prays

judgement, and that the said Plaintiff may be barred from having or maintaining his aforesaid action thereof, against him.

And the said Defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the said fourth Count of said Declaration; that is to say:-

First - There is no averment in said Count, in legal and traversable form, that on the fifth day of August A. D. Eighteen Hundred and forty three the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Lyrra Emerson Crosswhite, and Lucretia Crosswhite were held to labor or service by the said Plaintiff or were his slaves.

Second - There is no averment in said Count, in legal and traversable form, that on the tenth day of December A. D. One thousand Eight Hundred and forty three the Plaintiff had any right to the labor and service of the said Adam Sarah, John Anthony, Benjamin

Franklin, Cyrus Jackson and Lycurgus Cromartie, or that they were then held to service or labor, nor is there such government in regard to the twenty seventh day of January A. D. Eighteen Hundred and forty seven.

Third. It is not averred in said Count with proper certainty, and in traversable form, that the said persons were fugitives from labor on the twenty seventh day of January A.D. Eighteen Hundred and forty seven.

Fourth. There is no averment in said fourth count, in legal and traversable form, with certainty of time and place, of notice to the defendants, that the said persons were fugitives from labor.

Fifth. It does not appear from said fourth Count, and is not therein averred or shown, with legal certainty, in what manner or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering and seizing said persons. The allegation is general that the defendants interfered, obstructed and hindered, without any

specification of the particulars or means; and is vague, untechnical, not admitting of a traverse or denial, and is not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth - There is no specification in said fourth count of any Statute of the United States, but no intelligible reference to any particular Statute, for the violation of which, or under which, this action is brought.

And for that said fourth count of said amended declaration is in other respects uncertain, informal and insufficient.

And as to the said fifth count of said amended declaration the said defendant, implead aforesaid, by his said attorneys, comes and defends the wrong and injury when &c; and says that the said fifth count of the said amended declaration and the matters therein contained in manner and form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his afore-

=said action thereof against him, the said defendant, and that he, the said defendant, is not bound by the law, to answer the same. And this he is ready to verify. Where=fore, by reason of the insufficiency of the said fifth count of said amended declaration, in this behalf the said defendant, impleaded as aforesaid, prays judgment, and that the said Plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of Demurrer to the said fifth count, that is to say:

First. There is no aver=ment in said fifth count, in fact and traversable form that on the fifth day of August A.D. Eighteen Hundred and forty Three the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Cross=white, Benjamin Franklin Crosswhite, Cyrus Jackson Cross=white and Lucretia Crosswhite were held to labor or service by the said Plaintiff, or were his slaves.

Second. There is no aver-

=ment, in said Court, in legal and traversable form, that on the fifteenth day of December A.D. One Thousand Eight Hundred and forty Three, the Plaintiff had any right to the labor and services of said Adams, Sarah, John Anthony, Benjamin Franklin, Cyprus Jackson and Lucretia, or that they were then held to service or labor, nor that they were so held to labor or service on the twenty seventh day of January A.D. Eighteen Hundred and forty seven.

Third. There is no averment in said Count, in legal and traversable form, that on the twenty seventh day of January A.D. Eighteen Hundred and forty seven, the said persons were fugitives from labor.

Fourth. There is no averment in said Count, in legal and traversable form, with certainty of time and place, of notice to the defendants, that the said persons were fugitives from labor.

Fifth. It does not appear from said fifth Count, and is not therein averred or shown, with legal certainty, in what manner, or by what agencies or means the defendants obstruc-

=ted the agents of the Plaintiff in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means, and is vague, untechnical and not sufficient to inform the defendants of the cause of action or ground of complaint against them -

Sixth - There is no specification in said fifth Count to any Statute of the United States, and no intelligible reference to any particular statute, for the violation of which, or under which this action is brought.

And for that said fifth Count of said declaration is in other respects uncertain, informal and insufficient. &c

Wells & Cook.
Attys. & of Counsel
for Defts. Jones Smith &

In the Circuit Court
of the United States.
1900. District of Michigan.

James Smith,
impleaded with
Charles T. Gorham
et. als.
vs
Francis Gibbes

Plea & Demurrer
of Deft. Smith
to "amended bill".

Filed September 30th 1899
Jno. Winder Clerk
By Geo. G. Bull Deputy

Wells & Cook
for Smith

In the Circuit Court of the United States
for the Seventh Circuit and District
of Michigan =

District of Michigan ss =

Charles Bergen, impleaded with Charles
T. Gibson. Oliver C. Comstock Junior,
Asa B. Cook. Jarvis Dunn, John M.
Easterly, George Ingersol, William
D. Ketchum, Randolph Dobson, Plaintiffs, William
Parker and James Smith, Defendants

vs

Francis Giltner. Plaintiff =

And the said Defendants, Charles Bergen,
impleaded as aforesaid, with Charles T.
Gibson, Oliver C. Comstock Junior, Asa
B. Cook, Jarvis Dunn, John M.
Easterly, George Ingersol, William
D. Ketchum, Hermon Camp, Randolph
Dobson, Plaintiffs, William Parker and James
Smith, by Wells & Cook his Attorneys
comes & defends the wrong and
injury when &c. and says as to
the sixth and seventh Counts of
said amended Declaration that he is not
guilty of the said supposed grievous
said to his charge in said Counts
of said amended Declaration, or any or
either of them, or any part there-
of, in manner and form as the
said Plaintiff hath above thereof
in said Counts of his said amended Decla-
ration complained against
him, and of this he, the said Defen-
dants, puts himself upon the country &c.

And as to the said first Count of said amended Declaration, the said Defendant impleaded as aforesaid, by his said Attorneys, comes and defends the wrong and injury when &c, and says that the said first Count of said amended Declaration, and the matters therein contained, in manner and form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his aforesaid action thereof against him, the said defendant, and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore, by reason of the manifest error of the said first Count of said amended Declaration in this behalf, the said defendant impleaded as aforesaid prays judgment, and that the said Plaintiff may be barred from having or maintaining his aforesaid action thereof against him -

And the said defendant impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shows to the Court here the following causes of Demurrer to the said first Count of said amended Declaration - that is to say:

First - That is no covernment in said Count, in legal and tenable form, that on the fifth day of August a. D. Eighteen Hundred and forty three, the time of the alleged escape of the said Adam Crosslite, Sarah Crosslite, John Anthony Crosslite, Benjamin Franklin Crosslite, Cyrus Jackson Crosslite and Lucretia Crosslite they were held to labor or service by the said Plaintiff, or were his slaves, and that he owned and held them in his custody and control.

Second - That is no covernment in said Count, in legal and tenable form that on the twenty Seventh day of January A. D. Eighteen Hundred and fifty Seven, the said Plaintiff had any right to the labor and services of the said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia Crosslite, or that they were then held to service or labor -

Third - There is manifest ignorance in said Court in stating the time when the persons above named, escaped into the Village of Marshall.

Fourth - It is not

owned in said Count, with sufficient certainty & in traversable form when the said prisons escaped into the village of Marshall -

Fifth - There is no allegation in said Count, in legal and traversable form, with certainty of time and place, of notice to the defendants that the said prisons were fugitives from labor -

Sixth - It is not owned in said first Count, and does not therefrom appear, nor is it therein shown with legal certainty, in what manner or by what means or agencies, the defendants rescued said prisons - The allegation is general, that there was a rescue, without any specification of the particulars or means by which the rescue was effected, and is vague, untechnical & not admitting of a traverse or denial, & not sufficient to inform the defendants of the cause of action or ground of complaint against them -

Seventh - It does not appear from said first Count, and is not therein owned or shown, with legal certainty, in what manner or by what agencies or means the defendant aided

assisted the said persons in making their escape.

Eighth: There is no specification in said first Count of any Statute of the United States, & no intelligible reference to any particular Statute for a violation of which or under which this action is brought.

And for that said first Count is in other respects uncertain, informal & insufficient.

And as to the said second count of said amended declaration the said defendant, impleaded as aforesaid, by his said Attorneys comes & defends the wrong and injury when &c. and says that the said second Count of the said amended declaration & the matters therein contained, in manner and form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his aforesaid action thereof against him, the said defendant, and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore, by reason of the insufficiency of said second Count of said amended declaration in this behalf, the said defendant impleaded as aforesaid prays judgement, and that the said

Plaintiff may be barred from having or maintaining his aforesaid action thereof against him.

And the said defendant, impleaded aforesaid, according to the form of the Statute in such case made and provided, states & shows to the Court here the following causes of demurrer to the said second Count of said Declaration - that is to say:

First. There is no averment in said second Count, in legal & traversable form, that on the Sixth day of August A.D. Eighteen Hundred and forty three, the time of the alleged escape, the said Adam Crosslite, Sarah Crosslite, Benjamin Franklin Crosslite, Cyrus Jackson Crosslite and Lucretia Crosslite were held to labor or service by the said Plaintiff, or were his slaves, or that he owned or had them in his custody and control.

Second. There is no averment in said Count in legal and traversable form, that on the twenty sixth day of January A.D. Eighteen Hundred and forty seven, the Plaintiff had any right to the labor or service of the said Adam, Sarah, Julia Anthony, Benjamin Franklin,

Cyrus Jackson and Lucretia, ~~that~~ they were then held to service or labor.

Third. There is a manifest repugnancy in said Count in stating the time when the persons above named escaped into the Village of Marshall.

Fourth. It is not averred in said Count, with sufficient certainty & in traversable form, when the said persons escaped into the Village of Marshall.

Fifth. There is no averment in said Count, in legal and traversable form, with certainty of time & place, of notice to the defendants that the said persons were fugitives from labor.

Sixth. It does not appear from said second Count, & is not therein averred or shown with legal certainty in what manner or by what device or means, the defendant rescued said persons. The allegation is general that there was a rescue, without any specification of the particulars or means, and is vague, uncertain, & does not admit of a traverse or denial; & is not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Seventh - It does not appear from said second Count, nor is it therein averred or shown with legal certainty, in what manner or by what agencies or means the defendant prevented the Agents of the Plaintiff from returning the said persons to the custody of the Plaintiff.

Eighth - There is no specification in said second Count of any Statute of the United States and no intelligible reference to any particular Statute, for a violation of which, or under which, this action is brought.

And for that said second Count is in other respects uncertain, informal & insufficient.

And as to the third amended Declaration the said defendant, included as aforesaid, by his said Attorneys, comes & defends the wrong and injury when &c. and says that the said third Count of said amended Declaration & the matters therein contained, in manner & form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his aforesaid action thereof against him, the said defendant, and that he, the said defendant is not bound by law

to answer the same. And this he is ready to verify. Wherefore, by reason of the insufficiency of said third Count of said amended Declaration in this behalf, the said defendant, impleaded as aforesaid, prays judgement, and that the said Plaintiff may be barred from having & maintaining his aforesaid action thereof against him.

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made & provided, states & shows to the Court here the following causes of demurrer to said third Count of said amended Declaration - that is to say:

First - There is no averment in said Count, in legal & traversable form, that on the fifth day of August Eighteen Hundred and forty three, the time of the alleged escape the said Adonis Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Dickson Crosswhite and Lucretia Crosswhite were held to labor or service by the said Plaintiff, or were his slaves, or that he owned or had them in his custody or control

Second - There is

no averment in said Count, in legal & traversable form that on the first day of December Eighteen Hundred and forty three the Plaintiff had any right to the service of the said Adam, Sarah, Johnson Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third. There is no averment in said Count in legal & traversable form, with certainty of time & place, of notice to the defendants that the said persons were fugitives from labor.

Fourth. It does not appear from said third Count, & is not therein averred or shown with legal certainty, in what manner or by what agencies or means the defendants hindered & prevented the agents of the Plaintiff from reclaiming & seizing said persons. The allegation is general that there was a hindering & preventing, without any specifications of the particulars & means, and is vague, untechnical & not admitting of a traverse or denial, & not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Fifth - There is no averment in said third Count, in legal and traversable form that on the twenty seventh day of January A. D. Eighteen Hundred and forty seven the said persons were fugitives from labor, or that they had continued such from the time of the alleged escape, nor that on that day they were in Marshall.

Sixth - There is no specification in said third Count of any statute of the United States, & no intelligible reference to any particular Statute, for a violation of which, & under which, this action is brought.

And for that said third Count is in other respects uncertain, informal and insufficient -

And as to the said fourth Count of said amended Declaration the said defendant, implead as aforesaid, by his said attorneys, comes & defends the wrong and injury when &c, and says that the said fourth Count, & the of said amended declaration matters therein contained, in manner & form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiff to have or maintain his aforesaid action

thereof against him, the said de-
=fendant, and that he the said
defendant is not bound by law
to answer the same. And this
he is ready to verify. Wherefore,
by reason of the insufficiency
of the said fourth Count of
said Declaration, the said
defendant, implead or ofre-
=said, prays judgment, & that
the said Plaintiff may be
barred from having or main-
=taining his aforesaid action
thereof against him.

And the said de-
=fendant, impleaded as afore-
=said, according to the forms
of the Statute in such case
made & provided, states &
shows to the Court here the
following causes of Demurrer
to the said fourth Count of
said Declaration - that is to
say:-

First - There is no aver-
=ment in said fourth Count,
in legal & traversable form,
that on the fifth day of August
A. D. Eighteen Hundred and
forty three, the time of the alleged
escape, the said Adams Cross-
=white, South Crosswhite,
John Anthony Crosswhite, Ben-
=jamin Franklin Crosswhite,

Cyrus Jackson Crossbite and Lucretia Crossbite were held to labor & service by the said Plaintiff, as were his slaves —

Second — There is no averment in said Count, in legal & traversable form that on the tenth day of December Eighteen Hundred and forty three the Plaintiff had any right to the labor & service of the said Adams, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia Crossbite, or that they were then held to service in labor, nor is there such an averment in regard to the twenty seventh day of January A.D. Eighteen Hundred and forty seven.

Third. It is not averred in said Count with proper certainty & in traversable form that the said persons were fugitives from labor on the Twenty Seventh day of January A.D. Eighteen Hundred & Forty Seven —

Fourth — There is no averment in said fourth Count, in legal & traversable form, with certainty of time & place, of notice to the defendants that the said persons were fugitives from labor.

Fifth — It does not appear from said fourth Count

& is not therein averred or shown
with legal certainty, in what man=
=ner or by what agencies or means
the defendant interfered with,
obstructed or hindered the agents
of the Plaintiff in recovering or
seizing said persons. The alle=
=gation is general, that the de=
=fendants interfered, obstructed
& hindered, without any speci=
=fication of the particulars or
means, and is vague, untech=
=nical, & not admitting of a
traverse or denial, & is not
sufficient to inform the de=
=fendants of the cause of
action, or ground of complaint
against them.

Sixth. There is no
specification in said fourth
Count of any Statute of the Uni=
=ted States, & no intelligible ref=
=erence to any particular
Statute, for the violation of
which or under which, this
action is brought.

And for that said
fourth Count is in other respects
uncertain, informal and
insufficient.

And as to the
said fifth Count of said
Declaration, the said defendant,

Amended

impleaded as aforesaid, by his said Attorneys, comes & defends the wrong & injury, when &c, and says that the said fifth Count of said amended Declaration & the matters therein contained, in manner & form as the same are therein stated & set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against him, the said defendant, and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore, by reason of the insufficiency of the said fifth Count of the said amended Declaration, the said defendant impleaded as aforesaid, prays judgment, & that the said Plaintiff may be barred from having or maintaining his aforesaid action thereof against him. ~~the said def~~

And the said defendant, impleaded as aforesaid, according to the form of the Statute in such case made & provided, states & shows to the Court here, the following causes of Demurrer to the said fifth Count of said amended Declaration - that is to say: -

First - There is no averment in said fifth Count, in legal & traversable form, that on the fifth day of August A. D. Eighteen Hundred and forty Three, the time of the alleged escape, the said Adam Crossmite, Sarah Crossmite, John Anthony Crossmite, Benjamin Franklin Crossmite, Cyrus Jackson Crossmite & Lucretia Crossmite were held to labor or service by the said Plaintiff, or were his slaves -

Second - There is no averment in said Count in legal & traversable form that on the fifteenth day of December A. D. Eighteen Hundred and forty three, the Plaintiff had any right to the labor & services of the said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia Crossmite, or that they were then held to service or labor, nor that they were so held to labor or service on the twenty seventh day of January A. D. Eighteen Hundred and forty seven -

Third - There is no averment in said Count

in legal & trouersable form, ~~with certainty of time & place~~ of notice to the defendants that on the ~~said~~ twenty seventh day of January A. D. Eighteen hundred and forty seven the said persons were fugitives from labor.

Fourth - There is no averment in said Count in legal & trouersable form with certainty of time & place of notice to the defendants that the said persons were fugitives from labor.

Fifth - It does not appear from said fifth Count; & is not therein averred or shown, with legal certainty in what manner or by what agencies or means, the defendants obstructed the agents of the Plaintiff in seizing said persons; the allegation is general, that they obstructed them, without any specification of the particulars or means, & is vague, untechnical, & not ~~legal & trouersable~~ sufficient to inform the Defendants of the cause of action or ground of complaint against them.

Sixth - There is no speci-

=plication in said fifth Count of any Statute of the United States, & no intelligible reference to any particular Statute, under which, or for a violation of which this action is brought, and for that said fifth Count is in other respects uncertain, informal and insufficient - &c -

Wells & Goodrich
Attys & Sol Counsel
for Deft. Charles Bergen

In the Circuit Court of the United States.
1910 District of Michigan.

Charles Bergen,
impleaded with
Charles F. Graham
et als
vs
Francis Gilkison

Plea & Demurrer
7 Sept. 184 [illegible]

Filed September 30. 1847
Jno. D. Willson Clerk
By C. Gould Deputy

Wells & Goodrich
Attys for Bergen

Circuit Court of the United States
for the District of Michigan

Oliver C. Comstock Jr. impleaded with Charles P. Gorham Asa B. Cook, Jarvis Hurd, John M. Easterly, George Ingersoll William D. Rector, Herman Camp, Randall Hobart, Planter Moss, William Parker Charles Bergen and James Smith.

ads.

Francis Giltner.

And the said defendant impleaded as aforesaid by Theodore Romeyn his Attorney comes and defends the wrong and injury when &c. and as to the sixth and seventh counts of said declaration says, that he is not guilty of the said supposed grievances laid to his charge in said counts or any or either of them or any part thereof in manner and form as the said plaintiff hath above thereof in said count complained against him and of this he puts himself upon the Country &c.

And as to the said first count of said declaration, the said defendant impleaded as aforesaid, by his said Attorney comes and defends the wrong and injury when &c, and says that the said first count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore by reason of the insufficiency of the said first count of said declaration in this behalf

the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided. States and shows to the Court here the following causes of demurrer to first count of said declaration, that is to say.

First. There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. eighteen hundred and forty three the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves or that he owned them or held and kept them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on the twenty seventh day of January A.D. eighteen hundred and forty seven the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, in that they were then held to service and labor.

Third. There is no averment in said count in legal and traversable form that the said persons above named escaped from the State of Kentucky

Fourth. It does not appear from said count whence said persons escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons

above named escaped into the Village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form, when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said first count, and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars or means, and is vague untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or of complaint against them.

Ninth. It does not appear from said first count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants aided and assisted the said persons in making their escape.

Tenth. There is no specification in said first count of any Statute of the United States and no intelligable reference to any particular Statute, for the violation of which, or under which, this action is brought. And for that said first count of said declaration is in other respects uncertain, informal and insufficient &c.

And as to the second count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said second count of the said declaration and the matters therein contained in manner and form as the same are above stated and setforth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore by reason of the insufficiency of the said second Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment. and the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c. And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided States and shews to the Court here the following causes of demurrer to the second count of said declaration, that is to say.

First. There is no averment in said count in legal or traversable form that on the sixth day of August A.D. one thousand eight hundred and forty three, the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite, and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves, or that he owned them and had them in his custody and Controul.

Second. There is no averment in said count in

legal and traversable form that on twenty fifth January eighteen hundred and forty seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.
Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.
Fourth. It does not appear from said Count whence said parties escaped.
Fifth. There is manifest repugnancy in said Count in stating the time when the persons above name escaped into the village of Marshall.
Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.
Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor
Eighth. It does not appear from said second Count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars or means, and is vague unteschnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them
Ninth. It does not appear from said second count and is not therein averred, or shewn

with legal certainty in what manner or by what agencies or means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Tenth. There is no specification in said second count of any Statute of the United States and no intelligible reference to any particular Statute for the violation of which or under which this action is brought.

And for the said second count of said declaration is in other respects uncertain informal and insufficient &c.

And as to the said third count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said third Count of the said declaration ~~the said defendant impleaded as aforesaid by his said attorney comes and defends the wrong and injury when &c and says that the said third count of the said declaration~~ and the matters therein contained, in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he, the said defendant is not bound by law to answer the same, and this he is ready to verify: Wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c And the said defendant, impleaded

as aforesaid according to the form of the Statute in such case made and provided. States and shows to the Court here the following causes of demurrer to the third Count of said declaration that is to say.

First. There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. eighteen hundred and forty three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite John Anthony Crosswhite Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service, by the said plaintiff or were his slaves or that he owned and had them in his custody and control.

Second. There is no averment in said counts in legal and traversable form that on the first day of December A.D. one thousand eight hundred and forty three the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service or labor.

Third, There is no averment in said Count in legal and traversable form that said persons above named escaped from the State of Kentucky

Fourth. It does not appear from said Count whence said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the Village of Marshall

Sixth. It is not averred in said Count with

proper certainty and in traversible form when
the said persons escaped into Marshall.
Seventh. There is no averment in said count in
legal and traversible form with certainty of time
and place of notice to the defendants that the
said persons were fugitives from labor.
Eighth. It does not appear from said third count
and is not therein averred, or shown with legal
certainty in what manner or by what agencies
or means the defendants hindered and prevented
the agents of the plaintiff from reclaiming
and seizing said persons. The allegation is general
that there was a hindering and preventing, without
any specification of the particulars or means, and
is vague untechnical, and not admitting of a tra-
verse or denial and not sufficient to inform
the defendants of the cause of action or ground of
complaint against them.
Ninth. There is no averment in legal and traver-
able form that on the twenty seventh day of January
eighteen hundred and forty seven the said persons
were fugitives from labor or that they have continued
such from the time of their alleged escape — nor
that on that day they were in Marshall at all.
Tenth. There is no specification in said
third
first count of any Statute of the United States
and no intelligible reference to any particular
Statute for the violation of which or under which
this action is brought.
And for that said third count of said decla-
ration is in other respects uncertain, informal
and insufficient &c.
And as to the said fourth count of
said declaration the said defendant impleaded

as aforesaid, by his said Attorney comes and defends the wrong and injury when &c and says that the said fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he the said defendant, is not bound by law to answer the same. And this he is ready to verify. Wherefore by reason of the insufficiency of said fourt Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided, States and shows to the Court here the following causes of demurrer to the fourth count of said declaration that is to say.

First. There is no averment in said count in legal and traversible form that on the fifth day of August A.D. one thousand Eight hundred and forty three the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or Service by the said plaintiff, or were his slaves.

Second. There is no averment in said count

in legal and traversable form that on the tenth day of December A.D. Eighteen hundred and forty three the plaintiff had any right to the labor and services of the said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor. nor is there such averment in regard to the twenty seventh day of January A.D. Eighteen hundred and forty seven.

Third. There is no averment in said Count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped. nor to what place they escaped.

Fifth. There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the Village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversible form that the said persons were fugitives from labor on twenty seventh day of January A.D. Eighteen hundred and forty seven.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said fourth count and is not therein averred, or shown with legal certainty in what manner or by what agencies or means the defendant interfered, obstructed or hindered the agents of the plaintiff in recover(ing

and seizing said persons. The allegation is general that the defendants interfered obstructed and hindered, without any specification of the particulars or means, and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Tenth. There is no specification in said fourth Count of any Statute of the United States, and no intelligable reference to any particular statute for the violation of which or under which, this action is brought.

And for that said fourth count of said declaration is in other respects uncertain informal and insufficient &c.

And as to the said fifth count of said declaration the said defendant impleaded as aforesaid by his said attorney comes and defends the wrong and injury when &c and says that the said fifth count of said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same and this he is ready to verify. Wherefore, by reason of the insufficiency of the said fifth count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his

aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided states and shews to the Court here the following causes of demurrer to the fifth Count of said declaration that is to say.

First. There is no averment in said Count in legal and traversible form that on the fifth day of August A.D. Eighteen hundred and forty three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves.

Second. There is no averment in said count in legal or traversable form, that on the fifteenth day of December A.D. One thousand Eight hundred and forty three the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service or labor, nor that they were so held to labor or service on twenty seventh January, A.D. Eighteen hundred and forty seven.

Third. There is no averment in proper and traversable form that on the twenty seventh day of January A.D. eighteen hundred and forty seven the said persons were fugitives from labor.

Fourth. There is no averment in said count in legal and traversable form with certainty of time and place, of notice to the defendants that the said persons were fugitives from labor.

Fifth. It does not appear from said fifth count and is not therein averred, or shown, with legal certainty, in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiff in seizing said persons. The allegation is general that they obstructed them without any specification of the particulars or means, and is vague untechnical and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth. There is no specification in said fifth count, of any Statute of the United States, and no intelligible reference to any particular Statute, for the violation of which, or under which this action is brought.

And for that said fifth count of said declaration is in other respects uncertain, informal, and insufficient &c.

T. Romeyn Abby &
of Counsel for Deft.

No. 1905

Circuit Court of the United States
for the District of Michigan

Oliver C Comstock Jr. impleaded
with Charles T. Corliss et al

Ads

Francis Giltner

&c.

Demurrer

Filed July 29. 1847
Jno Winder Clerk
By Geo. G. Ball Deputy

T. Romeyn Atty &
of Counsel for Defts

The Circuit Court of the United States for the Seventh Circuit & District of Michigan

Randall Robart impleaded with Charles T. Paddock, Alvin L. Comstock & Asa B. Cook, Davis Hunt, John M. Easterly, Gage Hayes and William D. Rector, Norman Kemp, Hunter Moss, William Parker Charles Bryan and James Smith

and

Francis Gilbert

And the said defendant Randall Robart impleaded as aforesaid by Henry B. Clarke his Attorney Comes & defends the wrong & injury when &c and as to the Sixth and Seventh Counts of said declaration says that he is not guilty of the said supposed premises laid & this charge in said Counts or any or either of them, or any part thereof in manner & form as the said plaintiff hath above thereof in said Counts complained against him & of this he puts himself upon the Country, &c.

And as to the said first Count of said declaration the said defendant Randall Robart impleaded as aforesaid by his said Attorney Comes & defends the wrong & injury when &c and says that the said first Count of the said declaration & the matters therein contained in manner & form as the same are above stated & set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant & that he the said defendant is not bound by law to answer the same: And this he is ready to verify: wherefore by reason of the insufficiency of the said first Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment & that the said plaintiff may be barred from having or maintaining his aforesaid action thereof thereof against him, &c.

And the said defendant imparelled as aforesaid according to the form of the statute in such case made & provided states & shews to the Court here the following causes of Demurrer to the first Count of said declaration, that is to say:-

First, There is no averment in said Count in a legal & traversable form that, on the fifth day of August A.D. 1843 the time of the alleged escape the said Adam Longworth, Sarah Longworth, John Anthony Longworth, Benjamin Franklin Longworth, Cyrus Jackson Longworth & Lucretia Longworth were held to labour or service by the said plaintiff, or were his slaves; or that he owned & had them in his custody & control. -

Second There is no averment in said Count in legal & traversable form that on the twenty seventh day of January 1843 the plaintiff had any right to the labour & service of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson & Lucretia or that they were then held to service or labour.

Third There is no averment in said Count in a legal & traversable form that said persons above named escaped from the State of Kentucky.

Fourth It does not appear from said Count where said persons escaped.

Fifth There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Marshall.

Sixth, It is not averred in said Count with proper certainty & in traversable form where the said persons escaped into Marshall

Seventh There is no averment in said Count in legal & traversable form with certainty of time & place of notice to the defendant that the said persons were fugitives from labour.

Eighth It does not appear from said first Count & is not therein averred & shown with legal certainty, in what manner, or by what agency or means the defendant became

said persons. The allegation is general that there was a rescue without any specification of the particulars & means; & is vague, untechnical & not admitting of a traverse & denial & not sufficient to inform the defendants of the cause of action, or grounds of Complaint against them.

Ninth, It does not appear from said first Count & is not therein averred, or shown, with legal certainty, in what manner, & by what agencies or means, the defendants aided & assisted the said persons in making their escape. —

Tenth, There is no specification in said first Count of any Statute of the United States & no intelligible reference to any particular Statute for the violation of which, & under which this action is brought.

And for that said first Count of said declaration is in other respects uncertain, informal & insufficient, &c.

And as to the Second Count of said declaration the said defendant, Randall Robert, complained as aforesaid by his said attorney comes and defends the wrong & injury when &c and says that the said second Count of the said declaration and the matters therein contained in manner and form as the same are above stated & set forth, are not sufficient in law for the said plaintiff to have & maintain his aforesaid action thereof against the said defendant, & that he the said defendant is not bound by law to answer the same - And this he is ready & willing to verify: wherefore by reason of the insufficiency of the said second Count of said declaration in this behalf the said defendant implead as aforesaid prays judgment and that the said plaintiff may be barred from having & maintaining his aforesaid action thereof against him &c

And the said defendant implead as aforesaid according to the form of the Statute in such case made and

Respondent states and shows to the Court here the following causes of Demurrer to the second Count of said declaration, that is to say:

First, There is no averment in said Count in legal & traversable form that on the sixth day of August A.D. 1843 the time of the alleged escape the said Adam Grapewhite, Sarah Grapewhite, John Anthony Grapewhite, Benjamin Franklin Grapewhite Byrus Jackson Grapewhite and Lucretia Grapewhite were held to labour or service by the said plaintiff, or were his slaves, or that he owned a property in his custody and control —

Second There is no averment in said Count in legal & traversable form that on the Sixth day of January A.D. 1844 the plaintiff had any right to the labour and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Byrus Jackson and Lucretia, or that they were then held to service or labour —

Third There is no averment in said Count in legal traversable form that said persons above named escaped from the State of Kentucky —

Fourth It does not appear from said Count whence said persons escaped —

Fifth, There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Cleveland —

Sixth, It is not averred in said Count with proper certainty & is untraversable from where the said persons escaped into Cleveland. —

Seventh, There is no averment in said Count in legal & traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labour —

Eighth It does not appear from said second Count and is not therein averred or shown with legal certainty in what manner, or by what agencies or means the

defendant in said second Count mentioned - The allegation is general that there was a reason, without any specification of the particulars or means - and is vague, unsubstantial, and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth It does not appear from said second Count and is not therein averred or shown with legal certainty in what manner or by what agency or means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff

Tenth, There is no specification in said second Count of any statute of the United States, and no intelligible reference to any particular statute for the violation of which or under which this action is brought

And for that said second Count of said declaration is in other respects uncertain informal & insufficient, &c. —

And as to the Third Count of said declaration the said Defendant Randall Abbott, impleaded as aforesaid, by his said Attorney comes & defends the wrong & injury when &c and says that the said third Count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said Defendants, and that he the said defendant is not bound to answer the same: And this he is ready to verify; wherefore by reason of the insufficiency of the said third Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c.

And the said Defendant imparled as aforesaid according to the form of the Statute in such case made and provided Saith & shows to the Court here the following Causes of Demurrer to the third Count of said declaration, that is to say:

First, There is no averment in said Count in legal & reasonable form that, on the fifth day of August A.D. 1843 the time of the alleged escape, the said Adam Leopowite, Sarah Leopowite, John Anthony Leopowite, Benjamin Franklin Leopowite, Byron Jackson Leopowite, and Lucretia Leopowite were held to labour or service by the said plaintiff, & were his slaves - & that he owned & had them in his custody & control -

Second There is no averment in said Count in legal and reasonable form that on the first day of December A.D. 1843 the plaintiff had any right to the labour & services of the said Adam, Sarah, John Anthony, Benjamin Franklin, Byron Jackson & Lucretia, & that they were then held to service & labour.

Third There is no averment in said Count in legal & reasonable form that said persons above named escaped from the State of Kentucky.

Fourth It does not appear from said Count where said persons escaped nor to what place they escaped

Fifth There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Cleinchade

Sixth It is not averred in said Count with proper certainty & in reasonable form when the said persons escaped into Cleinchade

Seventh There is no averment in said Count in legal and reasonable form with certainty of time & place of action & the defendant to that the said persons were fugitives from labour.

Eighth It does not appear from said third Count, and is

not therein averred, or shown with legal certainty, in what manner or by what agencies or means the defendant hindered and prevented the agents of the plaintiff from reclaiming and urging said heroes - the allegation is general that there was a hindering & preventing without any specification of the particulars or means. And is vague unchronical and not admitting of a traverse a denial and not sufficient to inform the defendant of the cause of action or ground of complaint against them.

Seventh, There is no averment is legal and traversable form that on the twenty seventh day of January A.D. 1849 the said heroes were fugitives from labour, or that they have continued such from the time of their alleged escape - not that on that day they were in Marshall at all.

Tenth, There is no specification in said third Count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought -

And for that said third Count of said declaration is in other respects uncertain, informal and insufficient, &c.

And as to the Fourth Count of said declaration the said defendant Randall Osborn impleaded as aforesaid, by his said attorney comes and defends the wrong & injury when &c and says that the said fourth Count of the said declaration and the matters therein contained in manner & form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same: And this he is ready to verify;

wherefore by reason of the insufficiency of the said fourth Count of said declaration in this behalf the said defendant implaaded as aforesaid prays judgment & that the said plaintiff may be barred from having & maintaining his aforesaid action thereof against him &c.

And the said defendant implaaded as aforesaid according to the form of the statute in such case made and provided states & shows to the Court here the following causes of Demurrer to the fourth Count of said declaration, that is to say:—

First, That is no averment in said Count in legal & traversable form that on the fifth day of August A.D. 1843 the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite & Lucretia Crosswhite were held to labour & service by the said plaintiff, & were his slaves —

Second That is no averment in said Count in legal and traversable form that on the tenth day of December A.D. 1843 the plaintiff had any right to the labour and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia & that they were then held to service & labour or is there such averment in regard to the thirty month day of January A.D. 1847.

Third, That is no averment in said Count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth, It does not appear from said Count wherein said persons escaped, nor to what place they escaped.—

Fifth, That is manifest repugnancy in said Count in

stating the time when the persons above named escaped into the village of Marshall

Sixth It is not averred in said Count with proper certainty and in reasonable form that the said persons were fugitives from labour on the twenty fourth day of January A.D. 1847.

Seventh: There is no averment in said Count in legal and reasonable form with certainty of time & place of notice to the defendants that the said persons were fugitives from labour.

Eighth It does not appear from said fourth Count, and it is not therein averred & shown with legal certainty in what manner & by what agency or means the defendants interfered obstructed & hindered the agents of the plaintiff in recovering and seizing said persons - the allegation is general that the defendants interfered obstructed and hindered without any specification of the particulars & means - and is vague, argumentative and not admitting of a traverse a denial and not sufficient to impose the defendants of the cause of action a ground of complaint against them.

Ninth. There is no specification in said fourth Count of any statute of the United States and so is to the illegible reference to any particular statute for the violation of which, or under which this action is brought.

And for that said fourth Count of said declaration is in other respects uncertain informal and insufficient &c —

And as to the Fifth Count of said declaration the said defendants, Randall Hobart & Whitehead as aforesaid by his said Attorney comes and defends the wrong & injury when &c and say that the said fifth Count of the said declaration & the matters therein contained in manner & form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action

thereof against the said defendant and that he the said defendant is not bound by law to answer the same; and that he is ready to verify: by reason of the insufficiency of the said fifth count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having & maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided states and shows to the Court here the following causes of Demurrer to the fifth count of said declaration, that is to say:

First, There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. 1843 the time of the alleged escape the said Adam Confederate Sarah Confederate, John Anthony Confederate, Benjamin Franklin Confederate, Cyrus Jackson Confederate & Lucretia Confederate were held to labour & service by the said plaintiff as were his slaves.—

Second, There is no averment in said Count in legal & traversable form that on the fifteenth day of December A.D. 1843 the plaintiff had any right to the labour & services of the said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson & Lucretia, or that they were then held to service & labour— nor that they were so held to labour & service on the twenty seventh Day of January A.D. 1844—

Third: There is no averment in proper & traversable form that on the twenty second Day of January A.D. 1844 the said persons were fugitives from labour.

Fourth There is no averment in said Count in legal and traversable form with certainty as to time & place of action by the defendants that the said persons were fugitives from labour

Fifth: It does not appear from said fifth Count and is not otherwise averred, or shown with legal certainty in what manner, or by what agencies or means, the defendants obstructed the agent of the plaintiff in using said personal - The allegation is general that they obstructed them, without any specification of the particular acts or means - and is vague, untechnical, and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of Complaint against them.

Sixth: There is no specification in said fifth Count of any statute of the United States and no illegality does appear from any particular statute for the violation of which a recovery could this action be had.

And for that the said fifth Count of said declaration is in other respects uncertain, informal and insufficient to be -

Henry B. Clarke Atty & of Counsel
for said Rand and Kobach Defts

1900.

The Circuit Court for the U. S. for the 7th Circt & Dist. of Mich.

Randall Hobart impleaded with Chas. T. Gorham et al

adsm

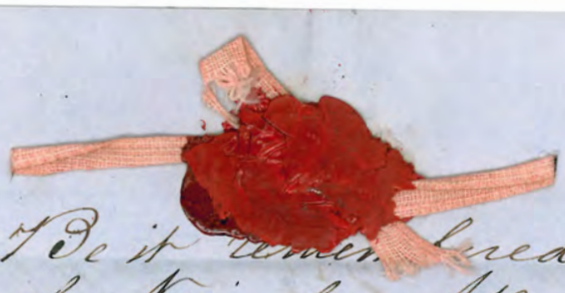
Francis Gitner. –

Plea & Demurrer. –

to file –

Henry K. Clarke
Atty & of Counsel
for R. Hobart.

Filed August 2d 1847
Jno Winder Clerk
By Geo. G. Bull
Deputy



Be it remembered, that on the 16th day of November A.D. 1848 at Marshall in the County of Calhoun and State of Michigan personally appeared before me County Judge of said County and Judge of the County Court thereof, Charles T. Gorham & made oath that he the said Charles T. Gorham was one of the defendants in a suit then depending in the Circuit Court of the United States for the 7th Circuit and District of Michigan wherein Francis Giltner was plaintiff and the said Charles T. Gorham Oliver A. Comstock Jr. Jarvis Hurd Elijah Mapes, William Parker, Charles Dorigan & James Smith were defendants that the testimony of George S. Wright, Daniel Pratt, Sylvester Pratt, Randall Watrous, Orrin S. Camp, Jesse G. Baker John W. Crandall Robert A. Smith & Henry Watrous was material and necessary for the defendants in said cause. and that the said George S. Wright Daniel Pratt, Sylvester Pratt Randall Watrous, Orrin S. Camp, Jesse G. Baker John W. Crandall Robert A. Smith & Henry Watrous lived at Marshall in the County of Calhoun and State of Michigan more than One hundred miles from Detroit when the Court at which he the said defendant Gorham expected the said cause would be tried, was appointed

by law to be held, That Francis Gilmer the above named Plaintiff resided in Carol County in the State of Kentucky more than 300 miles distant from the Village of Marshall, the place where the Examination of the said witnesses was expected to be taken and that Messrs. Pratt & Gray the attorneys for the said Plaintiff resided at Marshall aforesaid. And the said Charles T. Gorham requested me that the said Georg S. Wright Daniel Pratt, Sylvester Pratt, Randal Watrous, Orrin S. Camp, Ezekiel G. Baker, John W. Crandall Robert A. Smith & Henry Watrous might be examined according to the directions of the act of Congress in such case made & provided

Whereupon I ordered that the said Georg S. Wright Daniel Pratt Sylvester Pratt Randall Watrous Orrin S. Camp, Ezekiel G. Baker John W. Crandall Robert A. Smith & Henry Watrous should be examined de bene esse before me at my office in the Village of Marshall on the 18th day of November 1848. & that due notice should be given to the said Pratt & Gray of said Examination to the end that they might if they should see fit, be present at the Examination & put interrogatories. & having satisfactory proof that such notice had been given. & the said Charles T. Gorham appearing before me at my office in the Village of Marshall on this 18th day of November 1848 at three o'clock P.M. to have further proceedings had in the said Examination. And the said Randall Watrous being duly

Randall Watrous

Sworn Examined Cautioned & Sworn & speak the truth the whole truth & nothing but the truth &c. That he has already been Sworn & Examined as a witness in this Cause on the part of the Plaintiff and his deposition taken. He Keeps the public house called the National Hotel in the Village of Marshall

the National Hotel in the City of Washington the attempt to take them on the part of Some Kentuckians in the winter of 1844 I Was then Keeper of the National Hotel W. Boutman one of the Kentuckians was at the time a guest at the National. Recollects some four or five days after the occurrence a dispute which took place at his house one Evening between Wm N. Ellsworth & Wm Pindle in relation to the part taken by N. M. Dixon in the affair of the Corporation. in which Ellsworth complained of Dixons conduct in going to Corporators house the day before the attempt to take them with the pretended business of taking the Census. & also going there on the day the Kentuckians went to take them, without any process or legal authority requiring him to act. Thinks is confident this dispute took place between Ellsworth & Pindle Several days after the affair at Corporals & after the Kentuckians had left town. Does not recollect transacting any business or having any Conversation with or seeing the defendant Gorham on the evening of the day on which the attempt was made to take the Corporators.

Dennis asked what business transactions the defendant Gorham had with him while Keeper of the National. He says. The only business transaction he ever had with him up to the time of his leaving the National which he did [illegible] in April 1845 was the

Signing a note given to him by one Birchard as surety for the latter - which note was paid some few days after maturity - the note was given about the 7th day of November 1845. & payable 30 days from date.

Randall Watrous

And I do further certify, that the foregoing deposition was reduced to writing by me and signed by the said Randall Watrous, and that I am not of counsel or attorney for either of the parties to the said suit, nor am I interested in the event thereof - and I further certify that the annexed paper marked A is a duplicate of the notice above referred to & is indorsed with an affidavit of service made by George N. Gorham.

Dated November 18th 1848

Geo. Mosher Jr.
County Judge
Calhoun County
Mich.

for the [illegible] [illegible] of
Michigan

Charles T. Gorham
Oliver C. Comstock Jr.
Jarvis Hurd
Planter Moss
William Parker
Charles Burgan
& James Smith
ads
Francis Giltner

To Messrs
Pratt & Crary
Pltffs. Attys.

Gent.

You are hereby notified that George S. Wright, Daniel Pratt Sylvester Pratt, Randall Watrous Orrin S. Camp Jesse G. Baker John W. Crandall, Robert H. Smith & Henry Watrous –

will be examined de bene esse before me at my office in the Village of Marshall on the 18th day of November instant at Eight o'clock in the forenoon of that day as witnesses for the above named defendants

Paper within referred to as marked A

according to the act of Congress in such case made and provided at which time & place you are entitled to be present & to put in interrogatories to the said witness
Dated November 16th 1848

Geo. Woodruff
County Judge
Calhoun Co. Mich.

State of Michigan
Calhoun County ss George H. Gorham of said County being duly sworn deposes & says that on the 16th day of November 1848 he served the foregoing notice on Miss Rachel Bray by whom the same is addressed by delivering a duplicate copy thereof signed by Geo Woodruff County Judge of Calhoun County aforesaid. To Isaac E. Crary Esq one of said bondsmen of Rachel Bray

George H. Gorham.

Sworn & subscribed
this 17th day of November
1848 before me
G. Woodruff
County Judge
Calhoun Co. Mich

Circuit Court of U.S.
7th Cir. Dist. Mich.

Charles T. Gorham
vs
adm
Francis Galton

Deposition of R. Watrous

Taken by Geo. Dwight
Co. Dr. for Calh. Co.
Mich.

I certify that on this
20 Nov. 1847 Dec?
the within deposition
R.L. from the Post Office
was Docketed and on the
same day in open Court
I broke open and filed
the same. Jno Wanden
Clerk

Circuit Court of the U. S. for
the 7th Circuit & Distt of Mich.

Francis Tiltner
vs
Charles T. Gorham
Jarvis Hurd & als

Sir, You are hereby notified that John S Pierce, Israel Harvey, John S Martin, Randall Watrous Francis W Shearman, George Ingersoll Herman Camp, William W Smith, John B White Simon Harris, James A Way, James W. Gordon, John Dusenbury Jr. Edward Butler William Brindle, James Brindle, Lucius G Noyes Joseph Sibley, Calvin Hackett Nelson Banks, Barth Banks, Abner Baker Manlius Mann, Sidney S Allcot, William Watson, John A Van Horn Dewitt C. White will be examined before me at my office in the Village of Marshall on the 21st day of September instant at 9 oclock in the fore noon as witnesses for the above Plaintiff according to the act of Congress in such case made and provided, at which time and place you are entitled by law to be present & put interrogatories to said witnesses
Dated Marshall Sept. 19th 1848.

To Charles T Gorham
Jarvis Hurd & als
the above named Defts

Geo Woodruff
County Judge
Calhoun Co.

Paper within referred to is marked
O. G Woodruff
County Judge &c

State of Michigan }
Calhoun County } ss. Abner Pratt being sworn deposed that, Charles P Gorham, Oliver Comstock Junior, Jarvis Hurd, William Parker Planter Mosp, James Smith & Charles Bergen are the Defts in the within suit; that P Romeyn Esq now of the City of New York is the attorney for Gorham, Comstock & Hurd, Wells & Cook of Detroit attorneys for Mosp, Smith & Bergen and Henry K Clark of Marshall attorney for Parker. And this deponent further says that he served said Henry K Clark with a Notice of which the within is a copy by leaving the same in his Office on the 19th instant about half past 4 Oclock P.M. said Clark at the time being out and no other person in the Office.

Subscribed & sworn this 21st day of Sept. 1848 before me } Abner Pratt

D. D. Hughes Notary Public Cal. Co. Mic.

State of Michigan }
Calhoun County } ss. Charles D Pratt being sworn says that on the 19th instant he delivered to Oliver Comstock Jr. Planter Mosp. James Smith & Charles Bergen each a written Notice like the within, and that on the same day he delivered such a Notice to the House keeper of Jarvis Hurd at his residence said Jarvis being absent; and that he also delivered such a Notice to the lady of the house where Charles P Gorham boards on the same day, the said Charles P being absent and further says not —

Subscribed & sworn this 21st day of Sept. 1848 before me } Chas. D. Pratt

D. D. Hughes
Notary Public
Cal. Co. Mich

Circuit Court of the U.S.
for the 7th Circuit & Dist. of Mich.

Francis Giltner
vs
Charles T. Gorham
Jarvis Hurd et als

State of Michigan }
Calhoun County } ss

Abner Pratt of said County and one of the Attorneys for the Plff. in this cause being duly sworn deposes & says that the said Plff. resides in the State of Kentucky and that all of the Defts in said cause reside in Marshall in the said County of Calhoun.

And this deponent further says that John D Pierce, Israel Harvey, John H Van Horn, John S Martin, Randall Watrous, Francis W Shearman, George Ingersoll, Hermon Camp, William W Smith, John B White, Simon Harris, Dewitt C White, James A Way, James W. Gordon, John Dusenbury Jr. Edward Butler, William Prindle, James Prindle, Lucius G Noyes, Seth Sibley, Calvin Hackett, Nelson Banks, Bath Banks, Abner Baker, Manlius Mann, & Sidney S Allcott of Marshall aforesaid and William Watson of Union City are all material witnesses, and the testimony of each of them necessary for the said Plff. on the trial of this cause which is an action on the case, in which an issue of fact has been joined and which is now depending and undetermined in said court.

And this deponent further says that all of said witnesses reside more than one hundred miles from the Courthouse or from the place where

Paper referred to as marked A.
Geo. W. Bruff Co. Judge Calh. Co.

32
82
240

said cause is to be tried and further this deponent sayeth not.

Subscribed & Sworn this 19th day of September 1848 } Asher Pratt

Before me

G. Woodruff

County Judge

Calhoun Co. Mich.

A.

Circuit Court of the U.S.

for the 7th Circuit & District of

Michigan

Francis Gilkey

vs.

Charles T. Gorham

In Chancery

Let John D. Pierce, Israel Harvey, Joshua A. Van Horne, John S. Martin, Randall Watson, Francis W. Shearman, George Ingersoll, Norman Carpenter, William H. Smith, John R. White, Simon Harris, James A. Way, James W. Gordon, John Dickenson Jr. Edward Butler, William Brady, James Brindle, Lucius G. Noyes, Joseph Sibley, Calvin Hackett, Nelson Banks, Isaac Banks, Asher Baker, Maulius Mann, Sidney S. Alcott and William Watson the witnesses named in the within affidavit be examined de bene esse before me accordingly at my office in the Village of Marshall in the County of Calhoun on the 21st day of September instant at nine o'clock in the forenoon and let due notice be given to the said defendants, or to the attorney for the said defendants as either may be nearest, of such examination.

Dated Sept. 19th 1848

G. Woodruff

Co. Judge Calh. Co. Mich.

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Circuit Court of the U.S. for
the 7th Circuit & Dist of Mich.

Francis Siltner
vs
Charles P. Gorham
and others

State of Michigan } ss
Calhoun County }

Abner Pratt of said County
and one of the Attorneys for the Plff in this cause
being duly sworn deposed and says that the
said Plff resides in the State of Kentucky and
that all the Defts in said cause reside in
Marshall in the said County of Calhoun.

And this deponent further says that Stephen
Kimball, Hiram Campbell, James A Hoyt, Henry
E Jonas, William I Powell, and Elmon Camp
are all material witnesses, and the testimony
of each of them necessary for the said Plff on
the trial of this cause, which is an action on
the case in which an issue of fact has been
joined and which is now depending and
undetermined in said Court.

And this deponent further says that all
of said witnesses reside in said County and
more than One Hundred Miles from the place
said cause is to be tried, excepting Elmon
Camp who resides in Wisconsin & is expected
in Marshall aforesaid daily. — And further
this deponent says not. —

Subscribed & sworn this
2d day of October 1848
before me —

Abner Pratt

Geo. W. Dunlap
County Clerk for Calhoun
Co. Mich.

Paper mentioned to as marked B.
Gro W Dwight
County Judge &c

Circuit Court of the U States for
the 7th Circuit & Dist of Mich.

Francis Silsbee
vs
Charles P Sorhan
Jarvis Hurd et als

Set Stephen Kimball

Hiram Campbell, James A Cahow, William J Powell, Henry Conrad, Daniel Sawyer, Calvin Stephen H Preston and E Sawyer, & Elmon Campbell the witnesses named in the within affidavit to be examined de bene esse before me accordingly at my office in the Village of Marshall in the County of Calhoun on the 4th day of October instant at Nine o'clock A M and let one days Notice be given to the said Defts or to their Attorneys as either may be nearest of such examination.

Dated October 2d 1848.

Geo W Dwight
County Judge
Calhoun Co Mich

Circuit Court of the U.S. for
the 7th Circuit & Dist. of Mich.

Francis Giltner
vs
Charles T. Gorham et als

You are hereby notified that Stephen Kimball, Hiram Campbell, James H Hahn, William J. Powell, Henry E Jonas, Daniel Van Valzey & Stephen H Preston and Elmore Camp will be examined de bene esse before me at my Office in ~~Marshall~~ the Village of Marshall on the 4th day of October instant at 9 Oclock AM as witneſses for the above Plff. according to the act of Congreſs in such case made & provided; at which time and place you are entitled by law to be present and put interrogatories to said witneſses. —

Dated October 2d 1848.
To Charles T. Gorham et als
Defts or to their attorneys

G. Woodruff
County Judge
Calh. Co. Mich.

Paper writing referred to as marked D
G. Woodruff
County Judge &c

State of Michigan }
Calhoun County } ss.

Abner Pratt being duly sworn deposes and says that Charles D. Gorham, Oliver C Comstock Jr., Jarvis Hurd, William Parker, Planter Mosh, James Smith and Charles Bergen are the Defts in the within suit; that T Romeyn Esq now of the City of New York is the Attorney for Gorham, Comstock & Hurd, Wells & Cook of Detroit attorneys for Mosh, Smith & Bergen, and Hovey K Clark of Marshall Attorney for Parker. And this deponent further says that on the 2d day of October instant he served the said Gorham, Comstock, Mosh, Smith, & Bergen with a written Notice of which the within is a copy by delivering one to each of them. And this deponent further says that he also left one of said Notices with the Housekeeper of said Hurd at his residence, he, said Hurd being absent from home and that he also delivered such a notice to the said Hovey K Clark Esq. And further says not.

Subscribed & Sworn this
2d day of October 1848.
Before me

Abner Pratt

Be it remembered that on the 19th day of September A.D. 1848 at Marshall in the County of Calhoun and State of Michigan personally appeared before me County Judge for said County - Abner Pratt Esq and made oath that he the said Abner Pratt was one of the attorneys for Francis Gilman plaintiff in a suit then depending in the Circuit Court of the United States for the Seventh Circuit and district of Michigan wherein Charles P. Gorham James Hunt and others were defendants, that the testimony of John D. Pierce Israel Harvey John A. Van Horne John L. Martin, Randall Watson, Francis W. Shearman George Ingersoll, Vernon Camp, William W. Smith, John B. White, Simon Norris, David C. White, Agnes A. Way, James W. Gordon, John Dalembert Jr. Edward Butler, William Priddle, James Priddle, Lucius G. Hayes Joseph Sibley, Calvin Hackett, Nelson Banks, Barth. Banks, Abner Baker Maglin Mann & Sidney S. Alcott of Marshall aforesaid and William Watson of Pinion City was material and necessary for the said plaintiff in the prosecution of said suit and that all of said witnesses resided more than one hundred miles from the place where said Cause was to be tried - And that all of the defendants resided at Marshall aforesaid

And I was requested on behalf of the said Plaintiff that the said Witnesses might be Examined according to the directions of the act of Congress in such case made & provided.

Whereupon I ordered that the said witnesses should be examined de bene esse before me at my office in the Village of Marshall aforesaid On the 21st day of September then instant and that at nine o'clock in the forenoon and that One days notice should be given to the said defendants or to the attorney for the said defendants as either might be nearest, of such Examination, and having satisfactory proof that such notice had been given, and as well the said Plaintiff by Wm. Platt as the said defendants by Wm. Van Arman their respective Counsel appearing before me at the place aforesaid On the said 21st day of September in the year 1848 I then proceeded with the said Examination.

And the said Moses Baker one of the above named Witnesses being carefully Examined Cautioned and duly Sworn to testify the whole truth and nothing but the truth, saith

That he resides in the Village of Marshall in the County of Calhoun & has resided there for somewhat over

fourteen years past & knows the defendants in this suit both to the plaintiff. I was in Marshall on the 27th day of January 1857 & knew Adam Crop. white a colored man residing there at that time. was at the house where Cropolite lived on that day - went there about nine o'clock A.M. I saw there a colored woman who was called Mrs Cropolite - I went into the house & left it twice. I saw within Samuel Camp & Davis Hunt & can't say whom else. There were perhaps a hundred people in & about the house when I went there - There was some excitement among them. something of a commotion - I saw the defendants Comstock & Gorham about the house but not in it - I know Francis Troutman I saw him there on that morning - When I saw Gorham first I think he was outside the gate & think I saw him once in the yard - I went up there with defendant Comstock & when we got there we went into the yard together The fence was from 3 to 4 rods from the house, and the first stop we made was near the gate or bars & within the yard. Comstock there met Harvey M. Dixon, deputy Sheriff of this County, & took from his hands a warrant or a paper which Dixon said was a warrant for the Cropolite family & read it

I do not recollect clearly what was said. but my recollection is that after reading the paper Comstock said it was not good or sufficient. This remark might have been made by some one else but my recollection is that it was made by him. There was a good deal of hubbub in the crowd at the time. Can't say when Comstock went next. I went up near the house & near when Boutman was stood between him & the house, some five or ten minutes or more after this Comstock came up near where I stood. stood between me and Boutman. Some conversation arose between them. I think Dr. Comstock commenced it by asking Mr. Boutman if he was the gentleman who had come to take the Copeville family. Boutman answered in the affirmative. Comstock then told him that he could not raise moral legal or physical force enough to take that family out of town, and he might as well understand it first as last. Boutman then asked him if he was responsible. Comstock told him to ask his neighbours. Boutman then asked him his name which he gave. O. C. Comstock Jr. On asking for the name Boutman took out a book. after it was given, as

if he had not heard distinctly, repeated the signing. When Comstock gave his name again, this time as Oliver Cromwell Comstock Jr. Troutman on this remarked that he was not aware that he was coming in Contact with a Cromwell - On giving his name a second time Comstock requested Troutman to be particular to put down the junior. his name being the same with his fathers. - Troutman then asked him if he understood him to say he should not take the family out of town. to which Comstock replied by saying he begged his pardon he did not say any such thing - & observed it was apparent from the feeling then among the crowd that he could not take them away. & further that we are not an abolition mob. or that it was not - my impression is that he said we. In the commencement of the conversation Comstock shewed uneasiness & shewed it throughout the conversation. Andrew S. Hays & W.m Johnson went on to the ground with Comstock & myself - I saw the defend and Plaintiff Mak & I think Charles Bangan also on the ground. I heard Troutman state his authority for coming after the Corporate family. Cant say whether it was on the ground or at the Marshall House

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I was at Justice Hobarts office on the same day just at evening, stayed there perhaps half an hour. Saw the defendant Hurd there. The room was very much crowded. I think I saw one or more of the Crapsolite boys there that one of them was on the stand as a witness. I saw Adam Crapsolite & I think his wife at Hacketts house the same evening between 9 & 10 o'clock P.M. It must have been 10 o'clock or after, when I left Hacketts house. I saw defendant Bangan there. On my way home from Hacketts I saw defendants Gorham & Hurd about 40 or 50 rods from Hacketts; they were going towards Hacketts. Hacketts lived about 80 or 90 rods East from the Marshall House; Hurd and Gorham lived at that time west of the Marshall house. Gorham some time one half & Hurd three fourths of a mile. I had some conversation with them on meeting. They said they were going to Hacketts. They said also they were going to get Hacketts to go to Battle Creek after Mr. Van Arman to attend as counsel in a suit that was coming on the next day.

Question by Pepp Counsel

Was there any thing said between

you and Hurd & Gorham in that
conversation about the Crapsholite
family going away that night."

This question is objected to by the
defendants Counsel unless the wit-
ness can state what Hurd & Gor-
ham said in relation to that sub-
ject.

The answer is taken subject to
the objection.

Ans. I can state what I said but
dont recollect what they said

(The Defts Counsel objects to
witness stating what he said to
defendants inasmuch as he has
stated he can not give their answer

The answer is taken subject to the ob-
jection.)

I said to them I had been
down to Hacketts to try to persuade
the Crapsholite family not to go
away that night & that I feared
if they went away, the Southern-
ers would trap them on the road,
and I thought they were safer
here than they would be if they
went away - Gorham & Hurd
after leaving me went on towards
Hacketts. While I was at Hacketts
I understood that the Crapsholites were
preparing to leave that night - I saw
nothing of the Crapsholites the next day -
I was at the Marshall House after leaving
the Crapsholite house on the 27th of January

went immediately down from the ground between 10 & 11 o'clock A.M. I think. I saw a great many persons there

On Cross examination by defendants counsel the witness says.

On my way up to Crapsholites on the morning of the 27th of January as before stated, I saw numbers of persons going. We met Mr. Lewis returning from there

Question by defts. counsel.

What did Lewis say to you Comstock [illegible] when you saw meeting him?

Objected to by Pltffs. counsel, and answer taken subject to objection, Answer, Lewis said the Sport was over.

It was about fifteen minutes after we arrived at Crapsholites before conversation occured between Comstock & Trautman. On Comstocks saying that he Trautman could not raise force to take the Crapsholites away as before stated - Trautman said you say I cant take them slaves away - not in the form of a question - Comstock replied, denying that he had said Trautman should not take them away - but stated that he said he could not do so, referring to the excitement apparent in the crowd. Comstocks manner in saying what he did to Trautman was correct but

not excited or angry. I saw no effort made
by the defendants or plaintiff to do anything
15 with the woman supposed by me to be the wife
of Crapsholtz - All the evidence of excitement
I saw, was talk & moving about in the crowd.
There had been no formal adjournment
of the crowd when I left them. but half or
two thirds had then left. or were leaving.
When I got to the Marshall House, which
was after stopping 10 or 15 minutes on
the Square, I saw there, the Kentuckian
Lee & I think Mr. Gilmer. I staid at
the Marshall house till Troutman & Dixon
came down, which might have been half
an hour after I got there - When I left
the ground the crowd seemed to be moving
16 off - I should think 1/2 or 2/3 were moving
off when I left - The excitement was dying
away - It subsided when it was ascer-
tained the family were not to be taken
off. On my return to the Marshall House
or soon after I got there I saw Andrew
J. Hays Lloyd Fitzgerald & Plentiff L.
Hewitt

Abner B. Akey

And the examination having been adjourned
until the twenty ninth day of September
1848 the said Lucius J. Noyes being duly
sworn as aforesaid to speak the truth
& nothing but the truth says. That he resides
in the village of Marshall & resided there
in January last in the year 1847. Knows the

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defendants but not the plaintiffs. The witness is 27 years of age - is an attorney at law and acting justice of the peace. There a colored family residing at Mendham in January 1847 by the name of Crapwhite - was at the house when Crapwhite lived, on or about the 27th day of January 1847 in the morning between seven & eight o clock. Saw there the Crapwhite family they were in the house. Saw also Hunter Mapp. Wm Parker N.W. Dixon, Brazil Poulson - Several other persons pointed out to me as Kentuckians. Should judge there were 25 or 30 persons about the premises perhaps more. when he arrived on the ground. A large proportion were colored people perhaps two thirds of them. When he first arrived there was not much doing. Saw Wm Parker with a gun. The Crapwhites were all in the house at the time witness arrived. Poulman and the other Kentuckians were then shooting in the yard near the door. There seemed to be considerable excitement especially among the blacks. The crowd from the time of his arrival continued constantly to grow larger. Should judge there were over 200 people there at one time. Saw Charles T. Gorham Obai C. Comstock & Lewis Hand on the ground. also the defendants Mapp Parker & Burgan.

The Plaintiffs counsel requests the witness to

State all that was said and done by the crowd after he arrived there which he recollects.

The defendant counsel objects to the inquiry because it is too general & is not confined to the acts of the defendants or to acts in which they participated.

The answer is taken subject to the objection.

The witness answers. That when he first came up to the bank he saw Plante Mosby and William Parker standing by the bars. I asked them what was going on. One of them said there were some Kentuckians there going to take off the Corporal white family. I asked Parker what he was going to do with the gun. He replied to this effect. that if the Kentuckians undertook to take off the Corporal white family. witness would see what he would do with it. After some further conversation, witness went through the gate towards the house. saw the Kentuckians standing near the door; the Corporal's family & some other Colored persons in the house, Soon after I saw defendant Mr Gorham coming on to the ground, when he arrived should judge there were 50 persons there. Soon after Gorham's arrival, the defendant Constable came. Mr. Gorham had some conversation with Mr Boutwell & ~~Parker knew what was~~ what was said to him as nearly as I can recollect.

do you have come to take off the Crafworth family - Boutman said he had - that he claimed them as the runaway slaves of Francis Gilmer of Kentucky whose agent he was - His mention of agency was in answer to an inquiry by Gorham upbraiding Boutmans authority to claim them. They argued the matter sometime between them. Gorham told Boutman he could not take the slaves as our institutions did not recognize slavery - and that public opinion here was against his taking them, and also observed that the public opinion which made the law was above law - This last remark was made in answer to a remark of Boutmans - that the law authorized him to take the slaves. A short time after this the defendant Comstock came up & commenced a conversation with Boutman and said to him in a loud voice that he could not take them by moral legal or physical force - referring as intelligible understood by them to the Crafworth family - Soon after this Nancy M. Dixon came to witness & said that Boutman had requested him to require aid in keeping the peace - He wanted to know if it would be proper to do so - & which [illegible] he supposed he had that right - There was considerable excitement at that time & it was increasing - There was violent language used by the crowd towards the Kentuckians - but did not hear any

Friends made use of as which recollects
Thinks Dixon made some movement towards
keeping the peace - The next occurrence of
importance according to witness recollection
was the offering of a resolution by Gorham
The substance of the resolution was - Resolved
that these Kentuckians cannot take the Cook-
white family by moral legal or physical
force - The question upon the resolution was
put to the crowd & carried - Boutman
called for the names of individuals
in the crowd - His impression is that it was
before the resolution was offered by Gorham
The name called for were of those individ-
uals who pretended to interfere with the taking
of the Cooperites - His impression is that after
making a general inquiry for the names Bout-
man asked individuals for theirs - He asked
Mr. Gorham for his. who gave his name
as Charles F. Gorham requested him to write
it down in Capital letters - to bear it back
to Kentucky - for some purpose which does
not recollect - Heard Comstock give his name
He said it was. Oliver Cromwell Comstock
junior. Requested him to be sure and put the
junior down. for he did not want his father
to answer for his sins. Some other persons
gave their names. recollects Easterly gave his.
Thinks Gorham requested those persons only to
give their names who were responsible. Recol-
lect defendant Reed offered a resolution - Thinks
the substance of it was. Resolved. That these
Kentucky gentlemen be requested to leave

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town within two hours. Some one in the crowd added, or be "tarred & feathered." & Samuel Camp added, or be rode on a rail the would carry one end of it. Mr Hyes recollection is that Hurd put the resolution - after the interruption in this form - Resolved That these Kentucky gentlemen be requested to leave town in two hours or be prosecuted for Kidnapping - and it was carried Goodman offered a resolution that he be permitted to take the Corporate family before Esq. Shearman - which resolution was not carried - A resolution was also offered to adjourn till two oclock P.M. dont recollect by whom. & think it was put. but his recollection is indistinct upon that subject as he left about that time - While witness was on the ground there was a good deal of loud & boisterous talking - The crowd were most of them constantly moving about it was a cold day - Thinks it would not be possible for one person to hear see or heard every thing that took place on the ground.

On Cross examination he says - He thinks it was about ten or eleven oclock A.M. when he left the ground - should judge it was 20. or 30. minutes after his arrival that Goodman came on the ground - & that Constock came some 15 minutes after Goodman - it was perhaps some 20 minutes after he saw Constock

that he saw Rand also on the ground. He saw Gorham when he first came up. Several persons came with him. dont recollect distinctly who. but think Easterly came with him first. The conversation between Gorham & Boutman before Wales occurred near the door of the house & was the first conversation in which he noticed him engaged with any one. was in immediately after Gorham came on to the ground. There were several persons standing about within hearing of the conversation. Francis Nevins was one. John P. Welby another. Cannot state the names of any others. The resolutions were the last thing that occurred while which was true. His impression is that Mr. Gorhams resolution was the first put. but is not any position about that. Thinks Gorham was standing in the yard when his resolution was put. quite position about that. Thinks Mr. Boutman offered the next resolution. perhaps 10 or 15 minutes after Gorhams Thinks Mr. Rands resolution was next offered some 20 minutes after Boutmans. Cant say who offered the next. When the first resolution was offered the crowd had not begun to leave. Some had left when Rands was offered. Recollects that Boutman walked off a little distance 10 or 15 rods & then came back & soon after offered his resolution. This was he thinks half an hour before he left. a few persons had left the ground but as many had come before Boutmans

15.

resolution was opposed. Smith Comstock was not on the ground when the conversation began between Gorham & Boutman. but came down after. At the time of the first conversation between Gorham & Boutman. Smith stood within the door or on the steps. Boutman did not call for any names till after Comstock came up. Smith he asked Gorham for his name. that it was done after Dixon had commanded the peace. Gorham gave his name & Boutman wrote it down. They had some other conversation after Gorham gave his name but dont recollect what it was. All this was before any resolution were put. Did not see Comstock when he first came up. think there were one or two persons with him. Heard Comstock give his name to Boutman. It was some time after he came up. Understood Comstock gave his name in answer to a general call for the names of those who meant to interfere. Stood near enough to hear what Comstock said but did not hear or does not recollect what Boutman said to him. It was soon after Comstock saying that Boutman could not take the Co apprentices away by moral legal or physical force that he gave his name. This remark of Comstocks was the first conversation which I heard between them. There were other conversations between them, which he did not pay particular attention to, at that time.

Did not hear any resolution offered upon
Comstock's Case up - Did not hear Fowl-
man make any call for names till after
Comstock's case. Thinks it was after that
but was upon Comstock's case his - Dont
recollect his calling on Comstock in par-
ticular for his name - The names were
called for after Dixon had come to wit-
ness. and upon the resolutions - Thinks
he left 100 people on the ground when
he left - Saw Asa Babcock on the
ground, at the time the names were called
for generally Mr. Coat walked up near
where Fowlman was - and Fowlman asked
him his name who turned away - There
was a laugh about this but witness did
not hear what caused it - Dont recol-
lect hearing but one general call for names
Cannot recollect who seconded Gorhams
resolution. Does not recollect any remark
made about Gorhams resolution at the
time - Dont know that he can identify any
one in particular who voted for Gorhams
resolution - almost all voted for it. Wit-
ness recollects Comstocks remark about
taking the Crop wheels away and that
Gorhams resolution adopted the same
language - Thinks Adams & Sopris
went away with Dixon while witness was
there - Thinks the Corporate family were there
when he left.

Direct Examination resumed

He had no means of measuring the time

on the ground having no knife &c.
As to the order of the events stated by
witness he may be mistaken & also as
to the time intervening. The witness
did not look into the house at the time
of leaving the ground. but supposed
the family were there. as he had looked
into the house when he first came & saw
them there & did not see them go
away

Sworn & Roger

And the said John A. Van Horne being
duly sworn to speak the truth the whole
truth & nothing but the truth says. That
he is forty years of age & resides in the village
of Marshall. & has resided there since 1836.
Knows the defendants in that suit but not
the plaintiff. Was in the city of Detroit on or
about the 27th day of January 1847. returned
home sometime in February. Knew a col-
ored family residing in Marshall in January
1847 by the name of Crapowhite - or a part
of the family. While he was at Detroit
witness heard that some Southerners had
been at Marshall to take the Crapowhite
family as fugitives slaves. Recollects that
a few days after the occurrence he saw
the defendant Gorham at the National
Hotel at Detroit. He then stated to him what
had occurred at Marshall about the attempt
to take the Crapowhites. & that the latter had

escaped & gone to Canada - He said they had escaped the next night after the attempt to take them. He said there was a good deal of excitement existing at Marshall in regard to the attempt at taking the Crosswhites - He remarked that Mr. Hurd was much exited that he, Hurd, was with the family the night of the escape. & was with them in the street at the time they left Marshall - which was near midnight - On this occasion Gorham said the time had gone by when Southerners could come here & take away their slaves in that way - He did not state that he had said or done any thing in the transaction - but stated what was done as though he was a bystander.

Jno. A. VanDoren

The said Horatio N. Banks being duly sworn to speak the truth the whole truth & nothing but the truth says - That he is forty two years of age & supposes & resides in the village of Marshall & has resided there for 12 years past & upwards - Knew a colored family by the name of Crosswhite who resided in Marshall in January in the year 1847. Knows defendt Comstock Gorham Hurd - Mosh does not know the plaintiff - It is about 200 rods from this witness house to house where Crosswhite lived in January 1847 - Was at Crosswhites house at the time

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then went an attempt to take them away
in Sammy Bay. It was in the morn-
ing. Saw a number of people running
41 that way. & went there myself without
knowing what was the matter. Thinks
there was as many as 20 or 30 people black
& whites on the ground when he got there.
Thinks it was about nine or ten o'clock
Might have been earlier. Can't tell what
time. The crowd was increasing fast
when he got there. Thinks there was
a 100 people or upwards there some
part of the time. Saw Crapholite his
wife & some of the children there. When
he arrived went into the house directly.
Saw some changes there. have known
42 Riva Hug two Southerners. have become
somewhat acquainted with one of them
Mr. Frantman since then. Frantman
& the other Southerners were walking about
backwards & forwards in the yard. Saw
Nancy M. Dixon there when witness arrived
Saw defendants Gorham Comstock. Heard
and thinks Nash on the ground. Saw
Frantman talking with Crapholite but did
not hear what was said. Crapholite
went away towards the village as witness
thinks with Mr Dixon. While witness was
there. Saw them both back there to the
43 house again before witness left. There
was considerable excitement there among
the people when he got there. It continued

22 Brooks

as long as witness was there. Cant say that he heard any threats or violent language used towards the Southerners while he was there.

Plaintiffs counsel asks whether witness heard any threats or violent language used towards the Southerners.

The question is objected to as not confined to the conduct of the defendants.

The answer is taken subject to the objection.

He says that on reflection he did hear something like threats. but cannot state the language nor who made them. Heard conversation between Boardman & several of the defendants but dont recollect what it was. Mr. Boardman & Mr. Gorham had conversation there. The conversation was about taking away the stock. dont recollect what was said. Could not understand what Mr Gorham said, as witness stood some ways back. Heard some conversation between defendant Comstock & Boardman. Heard Boardman say to Comstock on Comstock's saying something. Are you responsible for what you have said. Mr. Comstock said he was. Heard some conversation between Boardman & defendant Heard cant say what was said. Did not hear any resolutions offered. Thinks

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22

he was there an hour and a half & left a pretty large crowd, when he left the crowd had not begun to diminish though some 3 or 4 persons left with him. and there were others still coming While he was there, there was a good deal of loud talk.

Question by Defts. counsel.

Can you state whether there was a general expression in the crowd against taking away the slaves

Objected to by dependants counsel

1st Because leading

2. Because not confined to dependants

Answer taken subject to the Objection

He answers. That there was such an expression in that part of the crowd where witness was

Question by Defts counsel

Was there any determination manifested by the crowd One way or the other in relation to taking away the slaves

Objected to by the Defts counsel for the reasons above stated & also because it calls for a matter of opinion

Answer taken subject to the Objection

He answers. There was. The determination manifested was against having them taken away.

Cool The dependants seemed to be perfectly cool that is they did not use any bad language & were perfectly gentlemanly.

Question by Defts Counsel

From the excitement this manifested do you think it would have been safe for the Kentuckians to have attempted to take the Slaves away.

Objected to by Plts Counsel as calling for matter of Opinion

Answer taken subject to the Objection He answers. He does not think it would have been safe to make such attempt

H. K. Banks

And the said Examination having been adjourned till this 30th day of September 1848.

The said George Ingersoll being duly sworn to speak the truth the whole truth and nothing but the truth says. That he is 29 years of age. Resides in the village of Marshall has resided there for the last seven years. Was in Marshall on the 27th day of January 1847. Knew Adam Crosswhite a coloured man & his family residing there at that time. Knows the defendants in this suit but not the Plaintiff. Recollects an attempt or what was supposed to be an attempt having been made to take away said Crosswhites on the day above named. The transaction took place in the forenoon. Saw Adam Crosswhite about the night in Marshall on the afternoon while the trial was going on at Roberts office of that day. Saw Crosswhite & his wife most or all of his children at Hackells house the same evening about nine or ten o'clock. Should think they were then making preparations to leave town. They were talking

about doing so. There were several persons
there besides - among whom were Abner
Baker Asa B. Cook. Simon Davis, Sev-
eral Colored people. Charles Mapp.
Charles Bryan & Reed. Witness
might have been there, from 15 minutes to
half an hour. His impression is that Hack-
ett went out to go to the village before
he left. Thinks there were some other white
persons there but cannot recollect who
they were. Saw the Carpenters again that
night at the mill - Cant say how long
they were there - Dont Know when they
went - They went away over the bridge
this side of the mill, on the north side
of it - they went in a waggon - Knows
who drove the team -

Plaintiffs counsel asked
Who drove the team?

The Defts counsel objects to the question
as irrelevant - & the answer is taken subject to the ob-
jection.

52 Examined - It was a colored
man called Isaac, does not Know his
other name - the same person who had
been before at the Merchant house for
some time - It was about midnight
when they started from the mill - Cant
state from his own knowledge whose
team it was, supposed at the time he
knew whose team it was

Question by Defts counsel
Whose team did you understand it to be

26 Injunct

Objected to by Defts Counsel, as irrelevant & the answer taken subject to the objection

He answers. He understood it to be Wm. M. Smiths team. Cant tell at what time of the night the Crapholites went to the mill it was sometime between 9 & 12 oclock in the evening. George Ketchum 2d was there at the time running the mill. Thinks that Simon D. Harris was at the mill at the time the Crapholites left. Saw defendants Gorham & Hand the same evening. but once according to his recollection. Saw them on his way home from Hacketts house about nine or ten oclock. Thinks no one else with them. Saw them in the street between Hacketts house and the church about 20 rods from Hacketts house. Had a few words of conversation with them. Thinks he heard all the white defendants speak in the course of the same afternoon & evening about the Crapholites going away. Saw defendant Constable Dann early in the evening. Saw none of the white defendants to his knowledge nor any of the others that evening after Jobnap left the mill. Saw defendant Constable that evening at his house early in the evening cant say what hour. Had conversation with him at that time about the Crapholites going away. Dont know whether the conversation of the other defendants relating the Crapholites going away was addressed to him or to whom it was directed. Thinks the whole of the Crapholite family was in the waggon when it left the mill.

25

On Cross Examination He says

It was a subject of pretty general conversation about the Cooperolites going away on the day before they went - Some were in favor of & some opposed to their going - Heard quite a number speak about it besides the defendants - The most of them he heard speak about it thought the Cooperolites would make an attempt to get away - They generally expressed themselves in favor of their staying & The Colored people were generally in favor of their going away - The white defendants all expressed themselves in favor of their staying at Marshall - In the conversations he heard & thinks the white persons he heard speak of it all expressed themselves in the same way None of the white defendants to witnesses knowledge, did any thing directly or indirectly to assist them in getting away - Witness might or might not have known whether they rendered such assistance or not

Direct Examination resumed

Recollect what defendant Comstock said respecting the Cooperolites going away - Witness told him that they talked of going away & witness wanted his opinion about the propriety of their doing so - He said that would not do. That he did not think it was necessary & that they had better stay as he thought they would not be troubled any further - This is witnesses recollection

of what he said - The reasons given by Dr Comstock for their not going away were those generally given by others who expressed themselves against their going - Knows that all the defendants were opposed to the Cowhides being taken away by the Kentuckians - His impression is that in the course of that day defendant Hurd expressed an opinion that the Kentuckians could not take the Cowhides away -

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Question by Pegs counsel

Did or Did not all the defendants in the course of that day or evening of their going away express themselves opposed to the Cowhides being taken away by the Kentuckians?

Obj'd to by defts counsel as leading and the answer is taken subject to the objection

59

Ans They did with the exception of defendant Comstock.

71

Cross examination resumed.

Cant say what the conversation was with the defendants from which witness drew the inference that they were opposed to the Cowhides being taken away - Cant trace the conversation with them on that subject to any particular time - Dont recollect that he heard any of the white defendants say that they intended to oppose their being taken away - He gathered from the conversation of the defendants that they were opposed to their being taken away. but did not infer

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from what they said that they intended to
intercept their being taken away.

Geo. Ingersoll

And the said Examination having been adjourned till this 2d. day of October 1848

And the said John Dusenbury Jr. being duly sworn to speak the truth the whole truth & nothing but the truth, says

That he is thirty three years of age, resides in the village of Marshall & has resided there since the year 1837. Knows the defendants in this cause but not the plaintiff. Recollects the occurrence in January 1845 of an attempt on the part of some Kentuckians to take off the Coopwhites a colored family from this village. Heard about a trial going on the same day in the afternoon of the above transaction before Randall
61 Abbott Esq a Justice at Marshall against the said Kentuckians and Harvey M. Dixon for breaking the butt of the door where Coopwhite lived. Understood said justice rendered a judgement of $100 in the case against the defendants. Heard the said justice talking about the suit and the taking off the Coopwhites a day or two after the trial, in Mitchells store. There were several persons in the store at the time. W. Abbott remarked, that he regretted that

Defendant's

several of our citizens had taken a part in the affair to assist the Kentuckians, namely W. Craig and Dixon in particular - and said that if he himself had had a larger jurisdiction or greater power he would have done more than he did. Cannot recollect the language used by him but the substance of his remark in reference to the judgment given by him was that if he had had the power he would have given a larger one - Mr Hobart then exhibited a good deal of feeling on the subject of the slaves being taken or the attempt to take them away

S. Hackett Esq

And the examination having been adjourned till 2 o'Clock in the afternoon it was then resumed.

The said Calvin Hackett being sworn to speak the truth the whole truth and nothing but the truth says:

That his age is about 32 years has resided in the village of Marshall between 4 & 5 years past. Knows the defendants in this suit but not the plaintiff. Knew Adam Crapsholts & his family. Recollects the time an attempt was made to take them away from Marshall. It was on the morning of the 27th day of January 1847. Said Crapsholts family. That is the mother & two of the latter girls were at this house on the evening of that day

29 60

Which left home about 10 o'clock that Evening to go to Battle Creek. There were several persons at his house when he left. Abner Baker he thinks was there when he left. W. Wells, (Allen N.) was also there. Saw defendants Gorham & Cook after he left the house that evening between his house & the Marshall house. They were standing still when he came up; asked him where he was going.

Question by Defts Counsel -

Did either of the defendants say any thing to you on the afternoon or evening of the 2d (or 3d) January (1874) about going to Battle Creek to get Mr Van Arman for Counsel.

The Defts Counsel named objects to the question as inelevant and the answer is taken subject to his objection.

He answers - That late in the afternoon he was inquiring for Counsel and some one suggested to him that he could probably get Mr Van Arman. Defendant Gorham & Mr Cook came up about that time. One of them (not let which) said he could probably get Mr. Van Arman. Which excited a doubt whether Mr Van Arman would come as witness was a stranger to him. One of the two Gorham or Cook (not say which) offered to advance money in order to get the Counsel. or to lend witness money for that purpose (not say which (not say who) paid Mr Van Arman for his services. but witness paid Mr Gorham.

It was after that him that worthy paid Mr. Gorhams. Went to Battle Creek that same night & Engaged him to come up to Marshall the next morning. On the occasion of meeting defendants Hand & Gorham on that evening as Worthy was going from his house towards the Marshall house as above stated. They asked him when he was going & he told them he was going to Battle Creek to get Mr Van Arman. This was all that was said about going to Battle Creek when they met.

67

On Cross Examination. He says. That defendants Hand & Gorham on his meeting with them as above related turned back with him and went along with him a little west of the Marshall house. & then separated they going on towards their homes.

Direct Examination continued. Saw Gorham & Hand again the same evening some five minutes after parting with them. lower down the street near Mr. Gorhams office standing near the office by the door

Calvin Hackett

68

The said Sidney S. Alcott being duly sworn to speak the truth, the whole truth and nothing but the truth says,

That he is forty four years of age resides in the Village of Marlboro & has resided there for 15 years past. Knows the defendants in this suit but not the plaintiff. Knew Adam Copsholts a colored man & his wife residing at Marlboro in January 1864. Recollects W. Boulware & some other Gentlemen being at Marlboro after the Copsholts family in January 1865. Was at the house when Copsholts back on the day an attempt was made to take him & his family as fugitives slaves. Was there between 9 & 10 o'clock A.M. Thinks there were there in all black & white together about 100 persons. There was quite a crowd when he got there. Went into the house on arriving there. Saw the Copsholts family there. Saw the woman & some of the children & also Adam, the latter he saw either on his first getting there, or soon after. Thinks he saw Dixon in the yard & went into the house with him. Saw Charles Bingan & Wm Parker and Hunter Mack in the yard, also James Smith. Bingan took witness horse & waggon to go after defendant Reed after he got there. Don't know whether he

26 Alexander

brought Hand or not. Saw Hand there not long afterwards. The crowd remained after whiskey arrived -

Question by Defts Counsel objected to by Defts Counsel as irrelevant & answer taken subject to objection.

Ans answers.

Did you see any person there on the ground armed?

71 Ans answers - He did see one individual with fire arms & had no other weapons of any kind except a cane - The individual with fire arms was Wm. Parker - There was not much excitement under ground when witness got there - There seemed to be a good deal of argument & some fuss among the little clubs into which the crowd was divided The principal discussion was, whether they could Span the Corpulate family at that time

72 The question as to the subject of discussion in the crowd was objected to by defendants Counsel & the answer taken subject to the objection)

After this thinks there was an excitement got up among the crowd. The excitement was in relation to the taking away of the Corpulate family. Did not notice any excitement till after the appearance there of the negro Patterson. Saw the persons

33 who were said to be the Kentuckians

who had come after the Constables. Boatman Gilmer Ford & Lee. Can't be positive when he saw Boatman when he arrived there. Whipp was in the house while there 3 or 4 times. At one time saw Sergt C. Robinson. Simon Harris in the house. When out of the house was moving about in the crowd. The crowd was constantly moving about. Thinks there were 150 or more persons at one time on the ground. There were some 25 or 30 blacks there, mostly blacks that were congregated in the house. At the time the crowd was largest should think one person could not see or hear all that occured. At least witness could not. Staid in the house but a few minutes at a time. Is not certain that he heard a resolution offered while there. heard an amendment to one offered. Can't say how long he was there. Boatman was there when he left. Can't say that he heard any violent or threatening language use towards the Kentuckians while there. Did not hear any persons give their names. The Cook. white family were not in the house the last time he went in. Saw them go away. Adam & his wife with a child in her arms went off through the crowd. Two or three of the boys went off west towards Phelps'. This was perhaps half an hour before witness left. When Whipp left he went to his mill. was in the village in the evening

Saw the Cospholites at Hackells house that
evening about 8 o'clock, at any rate it was
not very late - Saw Harris there. Dont
recollect seeing any one else there. Has
no recollection of seeing either of the de-
fendants that Evening after leaving the
ground.

Question by Reffs. counsel

Do you know of any one paying out
any money that might to help the Cospholites
off

Objected to by defts. counsel as irrelevant
and answer taken subject to objection

He answers - He does

Question by Reffs counsel

Did ~~you~~ ~~know~~ any person say any
thing to you on that day or evening about raising
money to help the Cospholites off out of the way?

Objected to by defts counsel & answer
taken subject to objection

He answers. His impression is that
some person did speak to him that
evening about it. It was neither of the
defendants who spoke thus to him.
To position none of defendants spoke to him
subsequently on the subject

On Cross examination He says. When he left
the ground there might a few persons have
left. very probably some had left. The
Amendment he heard offered to a resolution

35

as before mentioned was he thinks offered by defendant Gorham. Cant remember the wording of the amendment Understood, as he was coming out of the house amidst the noise & bustle. that the resolution was respecting the taking of the Crosswhites before Justice Shearman, and that the amendment proposed was to signify assent to the measure if it could be done legally. At the time this resolution and amendment were offered think Troutman was in the yard. the other Kentuckians outside of the yard & some two rods from the fence. His impression is 78 that a part of the Crosswhites had gone at the time the amendment was offered. The boys went away at an early period of the transaction soon after witness arrived there. Thinks a resolution could not have been offered there in a loud tone of voice calling the attention of the crowd to it. which witness would not have heard. Has no recollection of hearing any other resolution except the one above mentioned. The money advanced or contribution on the evening of the Crosswhites leaving. in order to keep them away was ~~[illegible]~~ none of it so far as he knows contributed by the defendants or any of them. 79

Henry Halsey, C. Coonet Chas. Lusk & others went up with him when he went in to the ground. Has no recollection of seeing any of the white defendants

38 Allen

on the ground when he arrived there. Has no recollection of seeing defendant Gorham come out to the ground. But the first recollection he has of seeing him was the conversation with Troutman. His recollection is that he heard both Troutman & Dixon calling generally for names. Thinks the calling for names was a short time after the conversation between Troutman & Gorham. When Patterson rode up on horseback raising his hand saw defendant Gorham go to him & check him & insist upon his leaving the ground which he did. Heard some conversation between defendant Comstock & Troutman. All of the conversation between them which he heard was. Troutman asked Comstock if he was responsible & the latter referred him to his neighbours for information. Does not recollect hearing conversation of Mr Hurd with any one but does not recollect hearing him say something about allowing the Kentuckians two hours to leave town. Saw nothing in the manner of the defendants that was excited or hostile. Their manner was conciliatory & tending to quiet the excitement. Heard defendant Gorham say to the crowd that he did not come there to have a row. but wished to talk the matter over coolly & calmly. Saw the defendant Gorham making efforts to quiet the excitement. From the time witness arrived there till he left did not see the Kentuckians make any effort to take the Corporators. At the time

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Witness left there was no excitement. There was during the whole time a good deal of laughing & talking.

Direct Examination resumed. — Witness judged from Gorhams manner while he was talking with Boutman and while talking to the crowd that his manner was conciliatory. He saw him address the crowd & go to speak with Patterson. & from the whole judged his manner was conciliatory. Thinks that if a motion had been offered within the yard in a loud tone & the attention of the crowd called to it. he would have heard it although at the time within the house & in conversation with a person there. The house was pretty quiet when he was in & there was a good deal of passing in & out. The conversation in the house was kept up by most of the persons there — which was generally engaged in conversation while in the house —

Question by Defts. counsel

Do you believe that at any time while you were on the ground the Kentuckians could have made the attempt to take the Coloredwhites without violence on the part of the crowd?

Objected to by defts. Counsel & answer taken subject to objection.

He answers — He thinks they could

not have made the attempt without some act of violence on the part of some persons there -

Witness attended the trial of this cause at Detroit in June last. was subpoenaed by defendant Gorham - was not sworn on the trial.

The question to which the last statement of the witness is an answer was objected by Defts Counsel & the answer taken subject to objection

In saying that when he left the ground the excitement was over. witness meant that such was his impression from what he observed.

Cross Examination resumed

The violence which the witness apprehended would result from the attempt to take the Coloured inhabitants. he thinks would have proceeded from the Coloured people. inferred this from several conversations he had with them on the ground. from which he learned that they had pledged themselves to resist the attempt if it took their own lives. and that this was the only quarter from which he apprehended violence. That his only fear was lest the whites should leave the ground. to the Kentuckians and the blacks

S. S. Wescott

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And the said examination having been adjourned till the 3d day of October 1848

The said Randall Watkins being sworn to speak the truth the whole truth & nothing but the truth says. That he is forty five years of age & upwards resides in the Village of Marshall & has resided there about four years past, knows the defendants & does not the plaintiff. Was in Marshall on the 27th day of January 1847. Heard of an attempt made by some Kentuckians on the morning of that day to take away the Corporate family. Kept the National Hotel at Marshall at that time. Mr. Troutman & the other Kentuckians were at his house on the morning of the 29th day of January (84). The defendants Gorham & Hurd were also there at that time. Recollects Conversation between Mr. Troutman & Mr. Gorham in the presence of Mr. Hurd. They were talking about the Slaves going away. They were then gone. They spoke about settling the suit had a day or two previous begun Justice Dodd & it was remarked that it was best to settle it. So as to render it unnecessary for the Kentuckians to return to Marshall. Mr. Troutman said he was willing to settle it & his friends who were with him were willing & that he would step out & see. The latter was then out

Graham
32
Stop Thom

doors on horseback or at least a part of them were so. W. Boutman went out returned & said to Mr. Gorham he couldn't settle ~~with~~ the matter as his friends were not willing to do so. There was a good deal more said which he cannot remember. Boutman said he was sorry the slaves had gone away, that he had made up his mind that he should not trouble them any more if they had staid. That they were to well located here & the people seemed to think so much of them he had concluded not to trouble them. Boutman said further you have got the advantage of me now. but it will all come out right by & bye perhaps. Mr. Gorham replied I dont know but we have the advantage. He had before remarked that the Gospel rules were good Religion & he thought it was the duty of the people here to protect them. Mr. Boutman said that he did not see any other way but he should have to come back again & make them a visit. Mr. Hurd said he would like to have him come. but hoped he would not come on the same business again that he did this time. The Kentuckians left shortly after this.

After the occurrence of the 27th January I heard the defendant Bargan say a good deal about the transaction. Heard him say that he had taken Mr. Hurd down to the ground with Mr. Alcott's horse & buggy. Heard him say that he had

gave twelve shillings in money to help the Coupwhites away that night - Said he knew how the money came to help them off that Hackett had paid $2. That he, Burgan, knew when they had gone.

On Cross Examination - He says

W. Goodman had been at his house more or less for a month previous to the time of his leaving as above stated - The other Kentuckians had not been at his house till the morning of the 29 January - During the conversation had between Gorham & Goodman - W. Van Arman & Dr. A. L. Hays & Charles Luck were in witness house either in the same or another room - W. Van Arman was ~~[illegible]~~ in the same room with the parties during the conversation - Did not see either W. Van Arman or Gorham come in. did not see them till they were in the room saw them both about same time - about 9 or 10 o'clock A.M. Gorham Hand Van Arman started then with the Kentuckians went away - Heard W. Van Arman talking with W. Goodman about Kentucky for a long time that morning - It was about 11 o'clock A.M. when the Kentuckians left. They were all there as long as two hours - There was a good deal of joking & laughing after the Kentuckians got out of doors & were on their horses - There was none but a

good humored manner & none shown
either and the conversation. no
threats nor any hard feeling was exhibited.
W. Ward remarked in the conversation above
alluded to, while speaking of the suit had
before Justice Hobart. addressing himself
to W. Boutman that it was rather
a bad mark to be held under bonds
for his appearance at Court & he had
better settle the matter. - The conversation
was about settling the suit which had
been tried a few days before - W.
Boutman remarked that if the Constable
was back here he would do as much as
any other man for them - Wesp Ward Gor-
ham & Boutman all said they were sorry
they were gone away.

Recollects W. Boutman was shown
W. Gorhams house the morning of the 29th.
of January before Gorham & others came to the
Railroad & that Boutman went down
street in the direction of Gorhams house.

Direct Examination resumed

Boutman went to Gorhams on Road
Monday at my request & suggestion.

Randall Watrous

The said Dewitt C. White being
sworn to speak the truth the whole truth
and nothing but the truth, says that he
is seventeen years of age resides
in the village of Marshall has resided there
for 13 years past. Knows the defendants
in this suit but not the plaintiffs. Knew a
Colored family by the name of Crop-
white residing at Marshall in January
1857. They lived from 60 to 80 rods
from Mr Phelps father's house. Recollects
the morning an attempt was made by some
Kentuckians to take the Croppwhites away
Went to the house when they arrived that
morning - might have been 4 o'clock am,
Found the Kentuckians as they were called
Mr. Poulman was standing at the door.
Two of the Kentuckians were in the house
saw Harvey M. Dixon there. Hamil came
there about the same time which did Simon
D. Harris - Nackell & another also came negro -
All the Croppwhites were in the house at the time
except one boy who ran up the hill a
few minutes after we got there as it was
off -

Mention by Pltff. counsel

State what first took place that you
noticed after you got there

Objected to by defendants counsel
Question taken subject to objection

He answers - The first occurrence he noticed
was - that White Poulman was standing

37 White

at the door. Hackett came up & passed to wards the door partly by Trautman. Trautman stepped to intercept him & told him he could not go in. Hackett said he must go in. Trautman again said he could not. & Hackett still endeavoring to go in. Trautman took some thing from a side pocket which appeared to be a pistol & held it at his side & said to Hackett, stand back, you can't come in or something like that. Hackett then went immediately away into the street & go towards town. Which father John B. White then came up & went into the house & spoke to Crapshite & his family & told them they had better go down to Shearmans office & have their trial. & if they were the property of the Kentuckians - they must get them legally the best way they could. Before which father spoke these to the Crapshites he asked Dixon what they came there for. & the Crapshites were the property of the Kentuckians. Which was in the house but 2 or 3 minutes at most. Saw Crapshite at the bureau where he first went in. Which was excited himself & have never seen such a sight before. Persons kept coming after we came. about half an hour after which came. Saw Wm. Parker several coloured persons came on behind him a great many came from all directions. Which went away about half an hour after he came. Went home & while there saw several cars go back towards Cob

45

Whites, & after staying a few minutes Witness went back again. On going back saw defendant Burgan - Dont remember seeing Harp till his return - Saw Randle Mosk in the house - Saw him with his Coat off in the front yard. There was about a dozen persons on the ground when Witness just left for home. There was not any thing of a crowd at that time - When he returned from home there was a considerable of a crowd near the door - Went into the house on his return There was then there nearly all the Co-defendants family Charley Burgan his wife Planter Elbop - Harris. Saw Parker then on his return with a shot gun did not take particular notice of others outside the house at that time - After Witness got back recollects that the people were gathering pretty fast, & after getting back saw defendants Gorham Conaly & Hurd. There was when he got back to the house a good deal of excitement, there was a good deal of loud talk about the house - Dont Know that he heard any threats towards the Kentuckians except the resolutions - One of the resolutions was that they would give the Slaveholders two or 3 hours to leave the town or else they should be tarred & feathered Mr. Hurd appeared that resolution - Thinks it was Mr. Hurd that used the words tarred & feathered - for he recollects that after the resolution was offered - Mr Camp said he would surrender the teaching & some one else said

he would furnish the tar - He thought at the time it was Mr. Hurd who used the words tarred & feathered - has always thought so, Heard several persons give their names on the ground particularly
100 Dr. Comstock & Mr Easterly. recollect Mr Gorham was standing by at the time but dont recollect his giving his name Recollects defendant Gorham said the Crosswhite family could not be taken without a fuss. dont recollect who he was talking with when he said this - the defendants Hurd Comstock & Gorham seemed to be excited.

Heard defendant Bergan say he would lose his life before he would let the Crosswhites go - Another tall black negro who was standing there with a club said
101 he would fight as long as he lived - & drew back as if to strike Troutman - Bergan made his remark in the house while witness was there & as he went out doors heard the other mans remark - & saw his motion with the club -

On his cross examination he says - The remark of the tall black man was made before the defendants Gorham & Hurd came on to the ground. After Bergan made his remark about losing his life in defence of the Crosswhites witness on going out saw
47a a crowd at the gate & Gorham & Hurd

among them - Did not see the boy who ran
102 ran he had as before stated returned. did
not see him the 2nd day again - The boy went
away before Hurd Gorham & Comstock came -
Which Hurd after his return to the ground the
Crowd dispersed - the resolutions were put towards
the close of the affair at the house - Resolutions were
not offered in succession - Cannot say who offered
the first resolution - Did not see Crapsholts when he
left the last time - The names were demanded
by Boutman in a loud voice as he believes -
and Carley & Comstock gave them - the latter
as Oliver Cromwell Comstock Jr.

After Comstock Gorham & Hurd ar-
rived he did not see any attempts made
103 to take the Crapsholtes - Thinks the manner
of Boutmans asking names was that he turned
to some of the crowd & said "your name"
when Carley & Comstock came up & gave
them - N

De Witt C. White.

The said John B White being sworn to
speak the truth the whole truth & nothing
but the truth says - That he is forty
three years of age & upwards - resides in
the village of Manchester & has resided
there for 13 years past - Knows the de-
fendants in this suit but not the
plaintiffs - Knows a Coloured family
by the name of Crapsholte who resided
104 at Marshall in January 1865. Recollects

45

an attempt by some Kentuckians to take the Crosswhites on or about the 21st of January in that year. Was at the house when the Crosswhites lived on that occasion. The first man he saw after he got there was a man with a glass eye whose name he has since learned was Lee. Asked him what they were about then

Question by Pltffs Counsel

What did he say to you?

Objected to by defendants Counsel and answer taken subject to objection.

He answers. He said they wished to take the negroes away peaceably. Bishop asked Lee by what authority they proposed to take them. He gave no satisfactory answer, but said they claimed the negroes & wished to take them away. Bishop then passed Lee & went on towards the house & met Dixon 2 or 3 steps from the door, and asked him what he was doing there. He said he came there to keep the peace. asked him, then if any one had broken the peace. He said, not, but said that we or they came to take the negroes away peaceably. but he expected there would be a fight. He had come to keep the peace. Bishop then asked Dixon if they had any authority. if they had he wanted to see it. asked him if he had any papers. if he had wanted to see them. Dixon showed no papers or authority

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and do remember whether he made any reply further - Which time went into the house Nann was outside the door at one side looking in & witnessed how Dewitt was in the house - Gilman & Boutman were in the house - Boutman had hold of Adam Coffwhite - was saying to him
107 you must go along with me, or get ready to go with me -" Adam said I am not going agood" Boutman said "I have sent for a wagon -" While Boatman had hold of him - Adam had a powder horn in his hand - & had either taken it out of his pocket or was trying to put it in his pocket - Boutman called on Dixon to take the powder horn away from him - Which asked them when he went in, what they were doing or trying to do - Can't say who answered, for but some one did - that they were trying to take
108 them negroes - Which again asked for their authority but received no satisfaction or showed any authority - all the satisfaction he got was from the remark that they wanted to take them peaceably - Did not say when they wanted them to go - except that they wanted to take them to Kentucky - that they were run away slaves from there - Saw part of the family there in the house - Saw John the oldest boy there

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came to Detroit last June was subpoenaed by defendants.

On cross examination he says he did not see selling of the defendants on the ground that he was there

J. W. White

And the said William W. Smith being sworn to speak the truth the whole truth & nothing but the truth says. That his age is forty four years & upwards. He lives in the village of Marshall & has resided there for the last nine years — knows the defendants in this cause but not the plaintiff — knew a colored family residing at Marshall in January 1847 by the name of Crapwhite. Recollects the circumstance of Some Kentucky's coming to Marshall to take away the Crapwhites in January 1847 — Kept a livery stable there at that time. A team was hired of him the same night after the occurrence above referred to. A double team & carriage was hired. Black Isaac came to him sometime in the afternoon to hire a team to carry off the Crapwhites — which request he refused to let him have one for that purpose — after he had been gone an hour or two. Isaac came back. & said he had

M Smith

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allowd his mind & did not want a team for that purpose but wanted one to go to Baddle buck - with a different Kind of Carriage - & which let him have one It was some time after dark when Isaac took the team away - not far from 7 o-clock - The team was gone 3 or 4 days before it Came back - when Isaac came back with it - perhaps it was not more than two days before the team came back - Hall had part of the pay for the team - Isaac paid him a part - & part was paid by Hackett -

Jeff Smith

And the said examination having been adjourned till 7 o'clock P. M.

The said John S. Martin being sworn to speak the truth the whole truth & nothing but the truth says - He is twenty seven years of age & upwards - resides in the village of Marshall & has resided there in the town of Marshall for some 5 years past; knows the the defendants in this suit but not the plaintiff - Recollects the time when it was said that some Rinkuckians came to Marshall to take away the Coapowhita family - It was in the winter of 1846 - Thinks on the same day of the occurrence - but before or after dinner, heard the defendant Hall say that some Rinkuckians had been here after some stages the Coapowhites - & he said there were between 200 & 300

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persons assembled at the Corporation house & that he had offered a resolution like this Resolved that these Kentuckians leave town within two (or 3.) hours, or they shall be prosecuted for breaking open a peaceable Citizens house. Mr. Hurd said the resolution was carried unanimously. or with tremendous applause. think the latter was the word used.

On his cross examination he says - No one was present but ourselves when Mr. Hurd said this was said while coming from the farm to the village - I am quite certain it was the same day of the transaction at Corporation - it is his best recollection - Mr. Hurd has the habit of conversing with persons freely at the time - I was working his farm at the time with his brother

John. S. Martin

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Stephen Kimball being sworn to speak the truth the whole truth & nothing but the truth says. He is fifty two years of age & upwards. resides in the village of Hanford and has resided there & in the vicinity seventeen years last & upwards - knows the defendants

in this suit but not the plaintiff. Knew a colored man by the name of Crafts white & some of his family who resided here in the winter of 18 5/. Saw some men who were called Kentuckians at Markham that winter who were said to have come after the Crafts. Was at Crafts house on the day an attempt was said to have been made to take them. it was about 9 o'clock in the morning when he was there. Thinks there were about 150 persons about the house at the time he was there, might have been more were continually going & coming Saw quite a number of blacksmiths ground about Knowhow many. 118

There appeared to be considerable excitement among the crowd on the ground when he got there. There was considerable noise some of the time, Heard some thing said but could not tell from whom it came about tarring & feathering the Kentuckians. Thinks he saw defendants Gorham & Goodlett when he got there. is not able to say whether defendant Hurd was there at that time. Saw him there afterwards. Thinks he saw Wm Parker there is not positive. Thinks Charles Bingan was there when witness first got there. Thinks he saw defendant Smith there is not sure. Saw Hamlin there. Mr Gorham of the defendants with Pontnyan seemed to talk more & any one ~~noticed~~. There were a good many 119 120

Speakers. He heard a good many resolutions. but dont know who offered them Ten men a few offered by those he knew. Mr Gorham offered, he thinks, two of them. One of the resolutions offered by him was to this effect — Resolved, That we the people are above the law. — Does not now recollect the other resolution offered by him. Does not recollect any statement Mr. Gorham made or any thing he said besides the resolution. Does not recollect any resolution offered by others except Faulmans: one of his was Resolved. That we are a law abiding people — There might have been more to it but it is now out of his mind. Heard another resolution; but dont know from whom it came. Other effect. Resolved That Nick Kendrick's head below in two hours or be prosecuted for breaking a peaceable Citizens house — Cant say this was a vote taken on any resolution. It strikes him there was but is not sure.

121

122

Question by Pltffs. Counsel

Do you recollect any resolution being offered on the ground about the Crop which family not being permitted to be taken by moral legal or physical force.

Objected to by Defendants Counsel & question waived by Plaintiffs Counsel who then put the following question

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asked the witness to state any other resolution or the substance of it that he recollected hearing them on the ground.

To this the defendants counsel objects because the answer has been suggested by the former question and the answer is taken subject to the objection. He answers. He recollects hearing a resolution to the effect that the Corpse could not be taken by moral physical and he thinks some other kind of force. Thinks the Corpse could not probably have been taken with safety at that time. Can give no reason for this opinion except the excitement which appeared to exist.

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On Cross examination he says, Thinks he went on to the ground alone. Saw the black man Patterson going there on horseback with a shot gun & pistol. Which got there about the time Patterson died. Noticed Patterson this making a good deal of noise. It was a short time might have been half an hour after he got there before resolutions. Thinks there was about a half a dozen resolutions. Which was on the South side of house by the fence & Mr. Gorham about a few rods South of fence when the resolutions about hearing about the war offender. One of the resolutions was

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5/...

offered – When the resolution respecting the people being above the law was offered Gorham was standing by Mr. Gorham. His statement respecting the offering of that resolution is as positive as any part of his testimony. Mr. Trautman was standing near by on a stump at the time this resolution was offered & would have heard it undoubtedly. witness is as distinct in his recollection about that as about any thing he had testified. Can swear to the best of his recollection and belief that such a resolution was offered. Do not recollect any thing said in the shape of a resolution – He took it & was put to the Company – Three words were uttered but cant say they were voted on – Asa Bullock was there – also Mr. Robinson Dont recollect who was standing there at the time. They were moving about all the time. Cant say whether Geo. Ingersoll was standing near enough to hear the resolution he was about there – Mr. Gorhams resolution was the first one I stood so as to hear who offered it. Thinks there had been others before but cant be certain – Dont remember as any thing was said upon the resolutions thinks there was not – Remembers a resolution offered by Mr. Trautman to adjourn. Cant tell whether there was one or more or any resolutions offered between Gorhams and that for adjournment – nor how

long it was between them – His impression is that there were several resolutions offered between Gorhams & that of Boutmans to adjourn. but does not know – Thinks he was there an hour & a half – left & when the crowd did. Stephen Kimball

And the said Examination having been adjourned till the 4th day of Oct. 1848 at 8 o'clock A.M.

The said James A. Nahn being sworn to speak the truth the whole truth & nothing but the truth. Says, That he is forty four years of age & upwards, resides in the village of Marshall & has resided there for upwards of four years past. Knows the defendants in this suit but not the plaintiff. Knew Adam Crapshite a colored man. Also a part of his family residing in Marshall in the winter of 1847 – Heard at the time of some Kentuckians coming to Marshall in that winter to take the Crapshites as runaway slaves – Had a conversation with defendant Gorham two or three weeks after the occurrence after Boutman had left them at his office. in the course of which he said that the time had gone by when Southern slaveholders could come here to the North & take away their runaway slaves – That the people would not consent to it – Cant be positive as to the phraseology whether he said take away or take off. but this was the import of what he said.

W. A. Nahn

59.

The said Daniel Van Valin being sworn to speak the truth the whole truth and nothing but the truth says - That he is thirty three years of age & upwards. resides in the village of Marshall & has resided there for nearly four years past knows the defendants in this suit but not the plaintiff - knew the Corporation a coloured family residing at Marshall in January 1850. Recollects the occurrence of an attempt made by some Kentuckians in that month to take away the Corporation - was at the house where Corp. White resided on the day of the occurrence above mentioned - went there between 8 & 9 o'clock A.M. might have been earlier should judge there were 100 or more persons on the ground at that time - there was some half a dozen coloured men there & perhaps more besides women & boys. went into the house where he was there - saw Peanter Hosp. & Charles Bangan in the house & Corp White's wife with other coloured women - there were quite a number of persons in the house. some white persons - Thinks Dixon was there also Harris - These are all he recollects - Saw there of the Kentuckians - Saw Freeman when he first got there, near the fence thinks outside the yard - There appeared to be considerable excitement among the crowd when he got there - Some had guns & some had clubs

Saw the Colored defendant Smith there. Plaintiff Hop. Burgan & Charles Parker. Smith had a stick or club. Saw Gorham Hurd & Comstock there when he arrived - or soon after he arrived. After he arrived heard some thing said in the Crowd about taring and feathering the Kentuckians & about riding them on a rail. Heard Boutman & Gorham talking about taking the Corporates - the latter said he did not think they could be taken on account of the excitement - said he regarded them as citizens here. Boutman said the Corporates were Gilmans property. that he was Gilmans agent. that they wanted to take them before a justice for examination - if they were not his property did not want to take them away - Heard defendant Gorham give his name in full which was at some distance when the names were given - Did not hear any remarks made by Gorham on giving his name. Heard defendant Comstock give his name Thinks he gave it as Oliver Comstock Jr. Heard a resolution offered by the defendants Hurd - about the Kentuckians leaving town in 20 many hours or be prosecuted - some in the crowd cried "tar & feather them" "Hang" other things - Heard Boutman offer a resolution - Calling on all who would meet him there on the ground at 2 o'clock to day 'aye' - Dont know as he recollects any other resolution - Thinks Hurds resolution was carried - Dont

Think there was over 150 persons on the ground at any one time while witness was there. The crowd was moving round most of the time was not stationary. Witness was also moving about from place to place. Was in the house but once. Should think one person could not hear all that was said or see all that was done in the crowd. It was divided into groups — men & boys some in the house & some outside the yard. There was a good deal of moving to & from the house. There seemed to be considerable excitement all the while. It was about the Kentuckians taking the Crop-whites. There were various remarks made about the matter. Heard Wm Johnston say he would rather have some of the whites taken off than the Crop-whites & named John Pottery as a substitute. In view of the excitement then on the ground he thinks it would not have been safe for the Kentuckians to make the attempt to take the Crop-whites off.

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On his Cross examination he says. The remarks made by Mr Gorham about the Kentuckians not being able to take away the Crop-whites was made about the time his name was given. Mr Gorham in speaking of the Crop-whites being taken away. Said he regarded them as citizens. Thinks he saw all the white defendants on the ground

at the same time. I on the South Side outside of the fence. The whole defendants around on the ground at the time Gorham remarked that he regarded the Coloureds as citizens Gorham he thinks had been standing when him came him before the remark was made but this remark was made in the first conversation which saw him holding with Boutman. Thinks Gorham gave his name after the conversation in which the above remark was made while they were still standing there before they had changed their position. Thinks he did not see Gorham in Conversation with Boutman after this. While the Conversation lasted which was mainly occupied with listening to it. Saw two guns on the ground. Patterson had one of the guns. Parker another. Smith had a sort of cudgel, something he had probably picked up there. Should think both blacks & whites would have interfered if an attempt had been made to take the Coloureds. There was no attempt made to take them while witness was there.

Daniel Cameron

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Harvey v. Dejarnett

On the third day of October 1848

The said Israel Harvey being sworn to speak the truth the whole truth and nothing but the truth says. That he is thirty three years of age resides in the village of Marshall has resided there since the year 1839 - Knows the defendants in this suit but not the plaintiff. Knows a Coloured family by the name of Crosswhite who resided in Marshall in January 1844 recollects the time some time in that month & year when some Kentuckians came to Marshall after the Crosswhites - On the day before the attempt made to take them saw the Kentuckians. Boardman Lee & Ford at his Marshall house & also saw many others & the defendant Gorham - the town was pretty much full below - Thinks there was some excitement then. judges from what was said - there were talk about tar & feathers, not by the defendant however - Heard the Kentuckians say that they claimed the Crosswhites as their slaves. & heard defendant Gorham that we claim them too as citizens. This reply of Gorham was made under like circumstances - William Johnson & Dr. Hoyt proposed to give the number they claimed of negroes if the Kentuckians would allow them to select them ~~out of those having absolute claim~~ - & one of them added "and we will

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and throw in one White man to boot - Lee answered to this, that they claimed the Arapahites as theirs and they would have them or none - Mr. Gorham then said 141 We claim them too as Citizens - and witness' impression is, that Mr Gorham added "and you cant have them" but this he is not sure of. & would not like to swear that he said so. but that is the impression on his mind.

Question by Plffs counsel.

What did you hear said there about tar & feathers?

Objected to by defts counsel and answer taken subject to objection

He answers: That he heard Mr. Pettingill say to one of the Kentuckians that if they (the Kentuckians) were not off by two o'clock "we will tar & feather you" - This was J. W. Pettingill. 142 He says on reflection he is not certain whether it was Lee or Troutman who made the remark to which the reply of defendant Gorham was made as above stated. but it was one or the other.

On Cross examination he says - That at the time of the offer made by Johnson & Hays at the Marshall House - to give the Kentuckians their number of negroes - both Hays and Johnson & Gorham stood at

some 6 to 10 feet from the Kentuckians to whom this conversation was directed Did not see Gorham but for a few minutes after this conversation although witness 143 was there for an hour or more afterwards having stood all the most of the persons that at first had left. Saw D. D. Hughes & Henry Haley about the time of the conversation. Is pretty confident saw Hughes then & that time. but cannot say whether Haley was then at the time, but is sure he saw him on that day. Has no recollection of hearing any conversation then between Mr Gorham & Hughes. The conversation spoken to between Gorham rodden & the Kentuckians took place between the stove in the bar room and the East side of the room. Thinks he saw then also Seth Hall & Mr. Webster and John 144 N. Wells but is not certain he saw the last named persons then. Thinks at the time of the conversation about spoken to Mr. Gorham was between the stove and the North side of the room. The room was pretty well crowded at the time of the conversation. There were a number of persons standing between the parties engaged in the conversation while it was going on the space between them being pretty well filled up. Saw Prentiss S. Hewitt talking with the Kentuckians about the time this conversation occurred, not more than 5 or 10 minutes either before or after 145

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Israel C. Harvey

Stamps besides the one above alluded to as standing by the counter at the time witness was in the store on this occasion. Did not know Charles Lusk at that time.

On his Cross Examination he says. He knows Charles Lusk now. Cannot say whether the Stranger last alluded to as standing by the counter was Charles Lusk. might have been or might not. Lusk was not one of the persons sitting about the stove. If Lusk was there he must have been the person standing by the counter. All the persons there except the two Strangers were persons living in the vicinity. Known to witness

James A. Way

And I do further certify, that the preceding depositions were reduced to writing by me and after being read either to or by the witnesses respectively were signed by the said witnesses respectively in my presence, and that I am not of Counsel or attorney for either of the parties to the said suit, nor am I interested in the event thereof. And I further certify that at the examination of each of said witnesses the above named Counsel for the plaintiff and Mr Van Arman as Counsel for the defendants Gotham. Comstock and

On the 30th day of October 1848

The said James Asbury being sworn to speak the truth the whole truth & nothing but the truth says. He is thirty one years of age & upwards, resides in the village of Marshall & has resided there for 11 years - Knows the defendants but not the plaintiff - was at Marshall on the 27th. day of January 1847 - recollects the occurrence of the attempt by some Kentuckians about that time, to take away the Crapsholes a coloured family then residing there - Thinks it was the next day after the occurrence, he was in the store of defendants Comstock & Shaw in the presence of his partner Henry Halsey, and a stranger whom he took to be a New York collecting agent & some others & on this person taken by the witness to be such collecting agent remarking to Comstock, you have had something of an excitement in this town. - the latter observed Yes we have. or words to that effect. & made some further observation in substance as follows, That it was too late in the age for slave holders or Southerners to come here to take back their slaves - The people would not allow it. A short was then but two or three minutes & the company then were still in conversation when he left the store. There was another

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And were present, except on the examination of the witness Dalenburg which was had in the absence of the defendants or their Counsel by the express consent of Mr. Gorham one of the defendants.

I further certify that the said witnesses were examined in pursuance of the orders hereto annexed and marked A, and B. and the notices marked C + D respectively.

Geo. Wor Dipp
County Judge
Calhoun Co. Mich.

No 1900

Giltner
v
Gorham et al

Witnesses

Abner Baker	2
L. B. Noyes	9
D. A. Vanhorn	18
H. N. Banks	19
Geo. Ingersoll	23
M. Duganberry	28
Calvin Hackett	29
S. S. Alcott	32
R. Watrous	40
D. C White	44
J. B. White	48
W. W. Smith	52
M. S. Manter	53
L Kimball	54
J. A. Hahn	57
D. Van Valin	60
Israel Harvey	65
J. A Way	70

Depositions of witness
on behalf of Pltf

I certify that on this
11th Oct. 1848 I rec'd
from the Post office
in Detroit the written
depositions and on
the same day in open
Court I broke open
& fil'd the same

M. Wendell
Clerk

Circuit Court of the United States
for the District of Michigan

Jarvis Hurd, impleaded with
Charles T. Gorham, Oliver L.
Comstock & Asa B. Cook. John
M. Easterly, George Ingersoll
William D. Rector Herman Camp
Randall Hobart Hunter Moss
William Parker, Charles Bergen
and James Smith

ads

Francis Giltner

And the said defendants impleaded as aforesaid by Theodore Romeyn his Attorney comes and defends the wrong and injury when &c, And as to the sixth and seventh counts of said declaration says that he is not guilty of the said supposed grievances laid to his charge in said counts or any or either of them or any part thereof in manner and form as the said plaintiff hath above thereof in said count complained against him and of this he puts himself upon the country &c.

And as to the said first count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said first count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he the said defendant is not bound by law to answer the same. And this he is ready to verify:

Wherefore by reason of the insufficiency of the said first count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided, states and shews to the Court here the following causes of demurrer to first count of said declaration, that is to say.

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred & forty three the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves or that he owned or had them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on twenty seventh January Eighteen hundred & forty seven, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia, or that they were then held to service or labor.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped.

Fifth. There is manifest repugnancy in said

count in stating the time when the persons above named escaped into the Village of Marshall Eighth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said first Count and is not therein averred, or shown with legal certainty, in what manner or by what agencies or means, the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars or means and is vague unitechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. It does not appear from said first count and is not therein averred or shewn with legal certainty, in what manner, or by what agencies or means the defendants aided and assisted the said persons in making their escape.

Tenth. There is no specification in said first count of any Statute of the United States and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said first count of said declaration is in other respects uncertain, informal and insufficient &c.

And as to the second count of said declaration the said defendant impleadrd as aforesaid by his said attorney comes and defends the wrong and injury when &c and says that the said second count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he the said defendant is not bound by law to answer the same. And this he is ready to verify: Wherefore by reason of the insufficiency of the said second count of said declaration in this behalf, the said defendant impleadrd as aforesaid prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him. &c.

And the said defendant impleadrd as aforesaid, according to the form of the Statute in such case made and provided, comes and shows to the Court here the following causes of demurrer to the second count aforesaid declaration that is to say—

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. one thousand eight hundred and forty three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite John Anthony Crosswhite, Benjamin Franklin Crosswhite, Lyms Jackson Crosswhite, and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves, or that he owned and held them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on twenty sixth January

Eighteen hundred and forty seven the plaintiff had any right to the labor and services of said Adam Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count where said parties escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversible form when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with ~~any~~ certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said second count and is not therein averred or shewn with legal certainty in what manner, or by what agencies or means the defendants rescued said persons The allegation is general that there was a rescue, without any specification of the particulars, or means, and is vague unmechanical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. It does not appear from said second count and is not therein averred, or shewn with legal certainty, in what manner or by what

agencies or means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff

Tenth There is no specification in said second count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought.

And for that said second count of said declaration is in other respects uncertain informal and insufficient &c.

And as to the said third count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said third count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same and this he is ready to verify: Wherefore by reason of the insufficiency of the said third count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided comes and shows to the Court here the following causes of demurrer to the third

count of said declaration, that is to say.

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three the time of the alleged escape, the said Adam Crosswhite Sarah Crosswhite John Anthony Crosswhite, Benjamin Franklin Crosswhite Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves or that he owned and had them in his custody and control

Second. There is no averment in said count in legal and traversable form that on the first day of December A.D. One thousand Eight hundred and forty three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky

Fourth. ~~There is no averment in~~ It does not appear from said count whence said persons escaped, nor to what place they escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the Village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with certainty of

time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said third count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is general that there was a hindering and preventing without any specification of the particulars or means, and is vague untechnical and not admitting of a traverse or denial, and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. There is no avement in legal and traversable form that on the twenty seventh day of January eighteen hundred and forty seven, the said persons were fugitives from labor, or that they have continued such from the time of their alleged escape, nor that on that day they were in Marshall at all.

Tenth. There is no specification in said third count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought.

And for that said third count of said declaration is in other respects uncertain informal and insufficient &c.

And as to the said fourth count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said fourth count of said declaration and the

matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same, and this he is ready to verify. Wherefore by reason of the insufficiency of the said fourth count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided, States and shows to the Court here the following causes of demurrer to the fourth count of said declaration that is to say.

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. one thousand Eight hundred and forty three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves.

Second. There is no averment in said count in legal and traversable form that on the tenth day of december A.D. eighteen hundred forty three the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony Benjamin Frank

lin, Keyes Jackson, and Secretia or that they were then held to service or labor, nor is there such averment in regard to the twenty seventh day of January A.D. eighteen hundred and forty seven.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky

Fourth. It does not appear from said count whence said persons escaped nor by what place they escaped

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form that the said persons were fugitives from labor on twenty seventh day of January A.D. eighteen hundred and forty seven.

Seventh. There is no averment in said count in legal and traversable form, with certainty ~~of said time and said place~~ of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said fourth count and is not therein averred or shewn with legal certainty in what manner or by what agencies or means the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering and seizing said persons. The allegation is general that the defendants interfered obstructed and hindered without any specification of the particulars or means and is vague, unbecomical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth. There is no specification in said fourth count of any statute of the United States, and no intelligible reference to any particular statute for the violation of which, upon which, this action is brought.

And for that said fourth count of said declaration is in other respects uncertain informal and insufficient.

And as to the said fifth count of said declaration the said defendant impleaded as aforesaid by his said attorney comes and defends the wrong and injury when &c. and says that the said fifth count of said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendants and that he the said defendant is not bound by law to answer the same, And this he is ready to verify.

Wherefore by reason of the insufficiency of the said fifth count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided states and shows to the court here the following causes of Demurrer to the fifth count of said declaration that is to say

First. There is no averment in said count

in legal and traversable form that on the fifth day of August A.D. eighteen hundred and forty three the time of the alleged escape, the said Adam Crosswhite. Sarah Crosswhite. John Anthony Crosswhite, Benjamin Franklin Crosswhite Cyrus Jackson Crosswhite, and Emeretia Cross white were held to labor or service by the said plaintiff or were his slaves.

Second. There is no averment in said count in legal and traversable form, that on the fifteenth day of December A.D. one thousand eight hundred and forty three the plaintiff had any right to the labor and services of said Adam Sarah John Anthony, Benjamin Franklin Cyrus Jackson and Emeretia or that they were then held to service or labor, nor that they were so held to labor or service on twenty seventh January A.D. eighteen hundred and forty seven

Third. There is no averment in proper and traversable form that on the twenty seventh of January A.D. Eighteen hundred and forty seven the said persons were fugitives from labor

Fourth. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor

Fifth. It does not appear from said fifth count and is not therein averred or shown, with legal certainty in what manner or by what agencies or means the defendants obstructed the agents of the plaintiff in seizing said persons.

The allegation is general that they obstructed them without any specification of the particulars

or means- and is vague unetechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth. There is no specification in said fifth count of any Statute of the United State and no intelligible reference to any particular Statute for the violation of which, or under which this action is brought.

And for that said fifth count of said declaration is in other respects uncertain informal and insufficient &c.

T. Conroy Atty
& Counsel for Defts

1960.

Circuit Court of the United States
for the District of Michigan

Jarvis Hurd, impleaded with
Charles T. Gorham & al

ads

Francis Liltner

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x[2]

Demurrer

Filed July 29. 1847
Jno Winder Clerk
By Geo G Ball Deputy

T. Romeyn Atty
& of Counsel for Dft

Circuit Court of the United States
for the District of Michigan -

John M. Easterly, impleaded with Charles T. Gorham, Oliver C. Comstock Junior, Asa B. Cook, Jarvis Hand, George Ingersoll, William D. Rector, Herman Camp, Randall Hobart, Planter Mofs, William Parker, Charles Bergen and James Smith

ads,

Francis Giltner -

And the said defendant, impleaded as aforesaid by Theodore Romeyn his attorney, comes and defends the wrong and injury when &c and as to the sixth and seventh Counts of said declaration says that he is not guilty of the said supposed grievances laid to his charge in said counts or any or either of them, or any part thereof in said counts complained against him and of this he puts himself upon the country &c -

And as to the said first count of said declaration the said defendant impleaded as aforesaid by his said attorney comes and defends the wrong and injury when &c and says that the said first count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he, the said defendant, is not ~~bound~~ bound by law to answer the same - and this he is ready to verify; wherefore, by reason of the insufficiency of the said first count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c -

And the said defendant impleaded as aforesaid, according to the form of the Statute in such case made and provided states and shews to the court here the following

causes of demurrer to the first count of said declaration that is to say;

First; There is no averment in said count in legal and traversable form that on the fifth day of August A.D. eighteen hundred and forty three the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Byrns Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves or that he owned and had them in his custody and control.

Second; There is no averment in said count in legal and traversable form that on twenty seventh January eighteen hundred and forty seven the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Byrns Jackson and Lucretia, or that they were then held to service or labor.

Third; There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth; It does not appear from said count whence said persons escaped.

Fifth; There is manifest repugnancy in said count in stating the time when the persons above named escaped into the Village of Marshall.

Sixth; It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh; There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth; It does not appear from said first count and is not therein averred, or shewn with legal certainty, in what manner, or by what agencies or means, the defendants

rescued said persons - the allegation is general that there was a rescue, without any specification of the particulars or means - and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them -

Ninth - It does not appear from said first count and is not therein avered or shown, with legal certainty, in what manner, or by what agencies or means, the defendant aided and assisted the said persons in making their escape -

Tenth; There is no specification in said first count of any statute of the United States and no intelligible reference to any particular statute for the violation of which, or under which this action is brought -

And for that said first Count of said declaration is in other respects uncertain, informal & insufficient &

And as to the second count of said declaration the said defendant impleaded as aforesaid by his said attorney comes and defends the wrong and injury when & and says that the said second count of the said declaration and the matter therein contained, in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant, is not bound by law to answer the same - and this he is ready to verify; Wherefore by reason of the insufficiency of the said second count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against

lim, &c -

And the said defendants impleaded as aforesaid according to the form of the statute in such case made and provided, states and shews to the court here the following causes of demurrer to the second count of said declaration. that is to say-

First; There is no averment in said count in legal and traversable form that on the sixth day of August A.D. one thousand eight hundred and forty three, the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Lyms Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves or that he owned and had them in his custody and control -

Second; There is no averment in said count in legal and traversable form that on twenty sixth January Eighteen hundred and forty seven the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Lyms Jackson and Lucretia or that they were then held to service or labor -

Third, There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky -

Fourth, It does not appear from said count whence said parties escaped.

Fifth; There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall -

Sixth, It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall

Seventh, There is no averment in said count in legal and traversable form with certainty of time ~~of~~ and place

of notice to the defendants that the said persons were fugitives from labor -

Eighth: It does not appear from said second count and is not therein averred, or shown with legal certainty in what manner, or by what agencies or means, the defendants rescued said persons - The allegation is general that there was a rescue, without any specification of the particulars or means - and is vague, unteclinical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them -

Ninth: It does not appear from said second count and is not therein averred, or shown, with legal certainty, in what manner or by what agencies or means the defendants prevented the agents of the Plaintiff from returning the said persons to the custody of the plaintiff -

Tenth: There is no specification in said second count of any statute of the United States and intelligible reference to any particular statute for the violation of which, or under which, this action is brought.

And for that said second count of said declaration is in other respects uncertain, informal and insufficient, &c -

And as to the said third count of said declaration the said defendant impleaded as aforesaid by his said attorney comes and defends the wrong and injury when &c and says that the said third count of the said declaration and the matter therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against him

the said defendant, and that he the said defendant is not bound by law to answer the same - and this he is ready to verify; wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c -

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided, states and shews to the court here the following causes of demurrer to the third count of said declaration, that is to say;

First; There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves - or that he owned and had them in his custody and control.

Second; There is no averment in said Count in legal and traversable form that on the first day of December A.D. one thousand eight hundred and forty three the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor -

Third; There is no averment in said Count in legal and traversable form that said persons above named escaped from the State of Kentucky -

Fourth; It does not appear from said Count whence said persons escaped, nor to what place they escaped -

Fifth; There is manifest repugnancy in said Count

in stating the time when the persons above named escaped into the Village of Marshall -

Sixth; It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh; There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth - It does not appear from said third count and is not therein averred or shown with legal certainty, in what manner or by what agencies or means the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons - The allegation is general that there was a hindering and preventing without any specification of the particulars or means - and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them -

Ninth; There is no averment in legal and traversable form that on the twenty seventh day of January Eighteen hundred and forty seven, the said persons were fugitives from labor, or that they have continued such from the issue of their alleged escape - nor that on that day they were in Marshall at all -

Tenth; There is no specification in said third count of any Statute of the United States and no intelligible reference to any particular Statute for the violation of which, or under which, this action is brought -

And for that said third count of said declaration is in other respects uncertain informal & insufficient &c -

And as to the said fourth count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said fourth count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant, is not bound by law to answer the same - and this he is ready to verify; wherefore by reason of the insufficiency of the said fourth count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid, according to the form of the Statute in such case made and provided, states and shews to the court here the following causes of demurrer to the fourth Count of said declaration, that is to say -

First; There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. one thousand eight hundred and forty three the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Byrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff as were his slaves.

Second; There is no averment in said Count in legal and traversable form that on the tenth day of December A.D. Eighteen hundred and forty three the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Byrus Jackson and Lucretia, or that they were then held to service or labor

nor is there such averment in regard to the twenty seventh day of January A.D. Eighteen hundred and forty seven.

Third; There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth; It does not appear from said count whence said persons escaped nor to what place they escaped

Fifth: There is manifest repugnancy in said count in stating the time when the persons above named escaped into the Village of Marshall.

Sixth; It is not avered in said count with proper certainty and in traversable form that the said persons were fugitives from labor on twenty seventh Day of January A.D. Eighteen hundred and forty seven.

Seventh: There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth; It does not appear from said fourth count and is not therein avered or shown, with legal certainty in what manner or by what agencies or means the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering and seizing said persons. The allegation is general that the defendants interfered, obstructed and hindered without any specification of the particulars or means. and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth; There is no specification in said fourth Count of any Statute of the United States and no intelligible reference to any particular statute for the violation of

of which, or under which, this action is brought -

And for that said fourth count of said declaration is in other respects uncertain, informal & insufficient &c

And as to the said fifth Count of said declaration the said defendant impleaded as aforesaid by his said attorney comes and defends the wrong and injury when &c and says that the said fifth Count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same - and this he is ready to verify; wherefore by reason of the insufficiency of the said fifth Count of said declaration in this behalf, the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid, according to the form of the Statute in such case made and provided states and shews to the Court here the following causes of demurrer to the fifth Count of said Declaration, that is to say;

First; There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three, the time of the alleged escape, the said Adam Crofswhite, Sarah Crofswhite, John Anthony Crofswhite, Benjamin Franklin Crofswhite Cyrus Jackson Crofswhite, and Suretia Crofswhite were held to labor or service by the said plaintiff or were his slaves -

Second - There is no averment in said Count in legal and traversable form, that on the fifteenth

Day of December A.D. one thousand eight hundred and forty three the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Lyons Jackson and Lucretia, or that they were then held to service or labor. nor that they were so held to labor or service on twenty seventh January A.D. Eighteen hundred and forty seven -

Third: There is no averment in proper and traversable form that on the twenty seventh day of January A.D. eighteen hundred and forty seven the said persons were fugitives from labor -

Fourth: There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor -

Fifth: It does not appear from said fifth count and is not therein averred, or shewn, with legal certainty, in what manner, or by what agencies or means the defendants obstructed the agents of the plaintiff in seizing ~~said~~ persons - the allegation is general that they obstructed them, without any specification of the particulars or means - and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them -

Sixth: There is no specification in said fifth count of any statute of the United States and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth Count of said declaration is in other respects uncertain, informal insufficient &

T. Romeyn Atty &
of Counsel for Defts.

Cct. Ct. 1900.
of the United States
for the District of Michigan

John M. Easterly, impleaded
with Charles T. Gorham et al
ads.
Francis Gilbert

Demurrer

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x°

T Romeyn atty
of Counsel for Defts

Filed July 29: 1847
Jno Winder Clerk
By Geo G Bull Deputy

Circuit Court of the United States
for the District of Michigan.

Asa B. Cook impleaded with Oliver
C. Comstock Jr. Charles T. Gorham, Jarvis
Hurd, John M. Easterly, George Ingersoll
William D. Rector, Herman Camp, Randall
Hobart, Ranter Moss, William Parker
Charles Bergen, and James Smith
Ads.
Francis Giltner.

And the said defendant impleaded as aforesaid, by Theadore Romeyn his Attorney comes and defends the wrong and injury when &c. And as to the sixth and Seventh counts of said declaration says, that he is not guilty of the said supposed grievances laid to his charge in said counts or any or either of them or any part thereof in manner and form as the said plaintiff hath above thereof in said count complained against him, and of this he puts himself upon the Country. &c.

And as to the said first count of said declaration, the said defendant impleaded as aforesaid, by his Attorney comes and defends the wrong and injury when &c and says that the said first count of said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore by reason of the insufficiency of the said first count of said declaration in this behalf, the said defendant

impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided, comes and shows to the Court here the following causes of demurrer to first count of said declaration that is to say.

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three, the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves, or that he owned them or had held them in his custody or control.

Second. There is no averment in said count in legal and traversable form that on the twenty seventh day of January A.D. eighteen hundred and forty seven the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service or labor.

Third. There is no averment in said count in legal and traversable form that the said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the Village of Marshall.

Sixth. It is not avered in said count with

proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugatives from labor.

Eighth. It does not appear from said first count, and is not therein averred or shown with legal certainty, in what manner or by what agencies or means the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars or means, and is vague unmechanical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of Complaint, against them

Ninth. It does not appear from said first count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants aided or assisted the said persons in making their escape.

Tenth. There is no specification in said first count of any statute of the United States and no intelligable reference to any particular statute for the violation of which, or under which this action is brought. And further that said first count of said declaration is in other respects uncertain informal and insufficient &c.

And as to the second count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said second count of the said declaration and the matters therein contained in the manner

and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendants and that he the said defendant is not bound by law to answer the same.
And this he is ready to verify. Wherefore by reason of the insufficiency of the said second count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.
And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided, comes and shows to the Court here the following causes of demurrer to the second count of said declaration that is to say.
First. There is no averment in said count in legal and traversable form that on the sixth day of August A.D. one thousand Eight hundred and forty three, the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite Cyrus Jackson Crosswhite and Secretia Crosswhite were held to labor or service by the said plaintiff or were his slaves or that he owned them and had them in his custody and Control
Second. There is no averment in said count in legal and traversable form that on twenty sixth January Eighteen hundred and forty seven the plaintiff had any right to the labor and services of said Adam Sarah John Anthony, Benjamin Franklin, Cyrus Jackson and Secretia or that they were then held to service or labor.
Third. There is no averment in said Count in legal

and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said Count whence said parties escaped.

Fifth. There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said second count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars or means, and is vague untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. It does not appear from said second count and is not not therein averred, or shown with legal certainty in what manner or by what agencies or means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Tenth. There is no specification in said second count of any Statute of the United States and no intelligible reference to any particular Statute, for the violation of which or under which

this action is brought.

And for that said second count of said declaration is in other respects uncertain, informal and insufficient, &c.

And as to the said third count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c. and says that the said third count of the said declaration and the matters therein contained in the manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he the said defendant is not bound by law to answer the same. And this he is ready to verify.

Wherefore by reason of the insufficiency of the said third count of the said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided, states and shows to the Court here the following causes of demurrer to the third count of said declaration that is to say.

First. That is no averment in said count in legal and traversable form that on the fifth day of August A.D. eighteen hundred and forty three, the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite,

Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff were his slaves, or that he owned and had them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on the first day of December A.D. one thousand eight hundred and forty three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service or labor.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped, nor to what place they escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the Village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said Count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said third count and is not therein averred, or shown with legal certainty, in what manner or by what agencies or means the defendants hindered and prevented the agents of the plaintiff from reclaiming

and seizing said persons. The allegation is genral that there was a hindering and preventing without any specification of the particulars or means, and is vague unteschnical and not admitting of a traverse or denial and is not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. There is no averment in legal and traversable form that on the twenty seventh day of January Eighteen hundred and forty seven, the said persons were fugitives from labor or that they have continued such from the time of their alleged escape, nor that on that day they were in Marshall at all.

Tenth. There is no specification in said ~~third~~ count of any statute of the United States and no intelligible reference to any particular Statute, for the violation of which, or under which this action is brought.

And for that said third count of said declaration is in other respects uncertain, informal and insufficient &c.

And as to the said fourth count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said fourth count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he the said defendant is not bound by law to answer the same. And this he is ready to verify.

Wherefore, by reason of the insufficiency of the said fourth count of said declaration in this behalf the

said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided states and shows to the Court here the following causes of demurrer to the fourth count of said declaration, that is to say. First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. one thousand eight hundred and forty three, the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves.

Second. There is no averment in said count in legal and traversible form that on the tenth day of December A.D. eighteen hundred and forty three the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia or that they were then held to service or labor, nor is there such averment in regard to the twenty seventh day of January A.D. eighteen hundred and forty seven.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It is not averred in said Count with proper certainty and in traversible form that the said persons were fugitives from labor on twenty seventh day of January A.D. eighteen hundred and forty seven

Seventh. There is no avement in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth. It does not appear from said fourth count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants interfered obstructed or hindered the agents of the plaintiff in recovering and seizing said persons. The allegation is general that the defendants interfered obstructed and hindered without any specification of the particulars or means, and is vague unbecomed and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. There is no specification in said fourth count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which, this action is brought.

And for that said fourth count of said declaration is in other respects uncertain, informal and insufficient. &c.

And as to the said fifth count of

said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said fifth Count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore, by reason of the insufficiency of the said fifth Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided states and shews to the Court here the following causes of demurrer to the fifth Count of said declaration, that is to say.

First. There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves.

Second. There is no averment in said Count

in legal and traversable form, that on the fifteenth day of December A.D. one thousand eight hundred and forty three the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony Benjamin Franklin, Cyrus Jackson and Lucretia or that that they were then held to service or labor, nor that they were so held to labor or service on twenty seventh January A.D. eighteen hundred and forty seven.

Third. There is no averment in proper and traversible form that on the twenty seventh of January A.D. Eighteen hundred and forty seven the said persons were fugitives from labor.

Fourth. There is no averment in said count in legal and traversible form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth. It does not appear from said fifth Count and is not therein averred, or shewn, with legal certainty in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiff in seizing said persons.

The allegation is general that they obstructed them without any specification of the particulars or means and is vague untechnical and not admitting of a traverse or denial and not sufficient to inform the defendant of the cause of action or ground of complaint against them.

Sixth. There is no specification in said fifth count of any statute of the United State and no intelligible reference to any particular Statute for the violation of which, or under which, this action is brought.

And for that said fifth count of said declaration is in other

respects uncertain, informal and insufficient &c

T. Romeyn atty &
of Counsel for Defts

1900.

Circuit Court of the United States
for the District of Michigan

Asa B. Cook. impleaded with
Charles T. Gorham & al

ads

Francis Giltner.

Demurrer

Filed July 29. 1847
Jno Winder Clerk
By Geo G Bull Deputy

T. Romeyn Atty &
of Counsel for Deft

Circuit Court of the United
States for the District of Michigan.

Charles T. Gorham impleaded with Oliver C. Comstock
jr. Asa B. Cook. Jarvis Hurd, John M. Easterly,
George Ingersold William D. Rector Herman
Camp. Randall Hobart Hunter Moss, William
Parker, Charles Bergen and James Smith
ads.
Francis Giltner.

And the said Defendant impleaded as aforesaid by Theadore Romeyn his Attorney comes and defends the wrong and injury when &c and as to the sixth and seventh counts of said declaration says that he is not guilty of the said supposed grievances laid to his charge in said counts or any or either of them or any part thereof in manner and form as the said plaintiff hath above thereof in said counts complained against him, and of this he puts himself upon the Country &c.

And as to the said first count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said first Count of the said declaration and the matters therein contained in the manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify; Wherefore by reason of the insufficiency of the said first

Court of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided states and shows to the Court here the following causes of demurrer to the first count of said declaration that is to say.

First. There is no averment in said Count in legal and traversable form, that on the fifth day of August Eighteen hundred and forty three A.D. 1843, the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and held them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on the ~~27th day of January~~ twenty seventh January Eighteen hundred and forty seven ~~A.D. 1847~~, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service or labor

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said Count whence said persons escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall-

Sixth. It is not averred in said count with proper

certainty and in traversable form, when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugatives from labor.

Eighth. It does not appear from said first count and is not therein averred, or shown with legal certainty, in what manner, or by what agencies or means, the defendants rescued said persons. The allegation is general that there was a rescue, without any specification of the particulars or means, and is vague, untechnical, and not admitting of a traverse or denial and not sufficient to inform the defendant of the cause of action or ground of complaint against them.

Ninth. It does not appear from said first count and is not therein averred, or shown with legal certainty, in what manner or by what agencies or means, the defendants aided and assisted the said persons in making their escape.

Tenth. There is no specification in said first count of any Statute of the United States and no intelligable reference to any particular Statute for the violation of which, or under which, this action is brought.

And ~~further~~ for that said first count of said declaration is in other respect uncertain, informal and insufficient &c.

And as to the second count of said declaration impleaded as aforesaid by his said Attorney comes the said defendant and defends the wrong and injury when &c and says that the said second count of the said declaration and the matters therein contained

in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendants and that he the said defendant is not bound by law to answer the same. And this he is ready to verify: wherefore by reason of the insufficiency of the said second count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided states and shows to the Court here the following causes of demurrer to the second count of said declaration that is to say.

First. There is no averment in said count in legal and traversable form that on the sixth day of August A.D. one thousand eight hundred and forty three, the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Emeretia Crosswhite were held to labor, or service, by the said plaintiff, or were his slaves or that he owned and had them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on twenty sixth January Eighteen and forty seven the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin Cyrus Jackson and Emeretia, or that they were then held to service or labor.

Third. There is no averment in said count in

legal and traversable form that said persons above named escaped from the State of Kentucky -
Fourth. It does not appear from said Count ~~whence~~ whence said parties escaped.
Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the billage of Marshall.
Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall -
Seventh - There is no averment in said count in legal and traverseable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.
Eighth. It does not appear from said second count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars or means, and is vague untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them
Ninth. It does not appear from said second count and is not therein averred or shewn with legal certainty in what manner or by what agencies or means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.
Tenth. There is no specification in said second count of any statute of the United States and no intelligible reference to any particular statute for the violation of which, or under which this action

is brought.
And for that said second count of said declaration is in other respects uncertain, informal and insufficient &c.

And as to the said third count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said third count of the said declaration and the matters therein contained, in the manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he, the said defendant is not bound by law to answer the same. And this he is ready to verify: wherefore, by reason of the insufficiency of the said third count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action against him &c.

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made & provided states and shows to the Court here the following causes of demurrer to the third count of said declaration. That is to say.

First. There is no averment in said count in legal and traversable form that on the fifth day of August A.D. eighteen hundred and forty three, the time of the alleged escape, the said Adam Crosswhite Sarah Crosswhite, John Anthony Crosswhite Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held

to labor or service by the said plaintiff. or ever his slaves or that he owned and had them in his custody and control.

Second. There is no averment in said Count in legal and traversable form that on the first day of December A.D one thousand Eight hundred and forty three the plaintiff had any right to the labor and services of said Adams, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia or that they were then held to service or labor.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the Village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said Count in legal and traversable form with certainty of time and place of notice to the ~~defendants~~ that the said persons were fugatives from labor

Eighth. It does not appear from said third count and is not therein averred or shown, with legal certainty in what manner or by what agencies or means the defendants hindred and prevented the agents of the plaintiff from reclaiming and seizing said persons. The allegation is genral that there was a hindering and preventing without any specification of the particulars or means and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform

the defendants of the cause of action or ground of complaint against them.

Ninth. There is no averment in legal and traversable form that on the twenty seventh day of January Eighteen hundred and forty seven the said persons were fugatives from labor or that they have continued such from the time of their alleged escape, nor that on that day they were in Marshall at all.

Tenth. There is no specification in said first count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought.

And for that said third count of said declaration is in other respects uncertain informal and insufficient &c

And as to the said fourth count of said declaration the said defendant is impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said fourth count of the said declaration and all the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same And this he is ready to verify. Wherefore by reason of the insufficiency of the said fourth count of said declaration in this behalf the said defendant impleaded aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made

and provided states and shows to the Court here the following causes of demurrer to the fourth count of said declaration that is to say.

First that there is no averment in said count in legal and traversable form that on the fifth day of August A.D. one thousand eight hundred and forty three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite, were held to labor or service by the said plaintiff or were his slaves.

Second. There is no averment in said count in legal and traversable form that on the tenth day of December A.D. eighteen hundred and forty three, the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin Cyrus Jackson, and Lucretia, or that they were then held to service or labor: nor is there such averment in regard to the twenty seventh day of January A.D. eighteen hundred and forty seven.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentuckey.

Fourth. It does not appear from said count, when said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the Village of Marshall.

Sixth. It is not averred in said count with proper certainty, and in traversable form, that the said persons were fugatives from labor on twenty seventh day of January A.D. Eighteen hundred and forty seven.

over.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugatives from labor

Eighth. It does not appear from said fourth count and is not therein avered, or shewn, with legal certainty in what manner or by what agencies or means, the defendants interfered obstructed or hindered the agents of the plaintiff in recovering and seiging said persons. The allegation is general that the defendants interfered obstructed and hindered without any specification of the particulars or means and is vague, untechnical and not admitting of of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. There is no specification in said fourth count of any Statute of the United States and no intelligable reference to any particular statute for the violation of which, or under which this action is brought.

And for that said fourth count of said declaration is in other respects uncertain informal and insufficient &c.

And as to the said fifth count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said fifth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he the said defendant is

not bound by law to answer the same, and this he is ready to verify. Wherefore by reason of the insufficiency of the said fifth count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided, states and shows to the Court here the following causes of demurrer that is to say.

First. There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. eighteen hundred and forty three, the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves.

Second. There is no averment in said Count in legal and traversable form that on the fifteenth day of December A.D. one thousand eight hundred and forty three the plaintiff had any right to the labor & services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia or that they were then held to service or labor, ~~that~~ nor that they were so held to labor or service on twenty seventh January A.D. Eighteen hundred and forty seven.

Third. There is no averment in proper and traversable form that on the twenty seventh of January A.D. eighteen hundred and forty seven the said persons were fugitives from labor

Fourth. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth. It does not appear from said ~~first~~ fifth count and is not therein averred or shewn, with legal certainty in what manner or by what agencies or means the defendants obstructed the agents of the plaintiff in seizing said persons.

The allegation is general that they obstructed them without any specification of the particulars or means and is vague untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

~~And for that said fifth count of said declaration is in other respects uncertain informal and insufficient &c.~~

~~T. Romeyn Atty~~
~~& Counsel for Defts~~

Sixth: There is no specification in said fifth Count of any Statute of the United States and no intelligible reference to any particular Statute for the violation of which, or under which, this action is brought.

And for that said fifth count of said declaration is in other respects uncertain informal and insufficient &c.

T. Romeyn Atty &
of Counsel for Defts

1900

Circuit Court of the United States
for the District of Michigan

Charles T. Gorham impleaded
with Oliver C. Comstock et al

vs.

Francis Giltner

Demurrer

Filed July 29, 1897
Jno. C. Virden Clerk
By Geo. G. Bull Deputy

T. Romeyn Atty
of Counsel for Defts

~~T. Romeyn Esq~~
~~Atty for Plff~~

Circuit Court of the United States
For the 7th Circuit District of Michigan

James Smith impleaded with
Charles T. Graham Oliver C. Comstock
Junior, Asa B. Cook, Jarvis Hurd, John
M. Easterly, George Ingersoll, William D.
Rector, Herman Camp, Randall Hobart,
Planter Morse, William Parker & Charles
Bergen and diverse others

ads

Francis Pettibone

"

This Defendant impleaded as aforesaid
with Charles T. Graham, Oliver C. Comstock
Junior, Asa B Cook, Jarvis Hurd John M.
Easterly, George Ingersoll, William D. Rector Her-
man Camp, Randall Hobart, Planter Morse
William Parker & Charles Bergen " by Wells &
Cook ~~his~~ his Attorneys, comes and defends the
wrong and injury when &c and says, as to
the sixth and seventh counts of said decla-
ration, that he is not guilty of the said sup-
posed grievances laid to his charge in
said counts or any or either of them or any
part thereof in manner and form as the
said plaintiff hath above thereof in said
counts complained against him and of
this he puts himself upon the country &c.

And as to the said first count of said
declaration, the said defendant impleaded
as aforesaid by his said attorneys comes and
defends the wrong and injury when &c and says
that the said first count of the said declaration

and the matters therein contained in the manner and form as the same are therein stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify: Wherefore by reason of the insufficiency of the said first count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said Plaintiff may be barred from having or maintaining his aforesaid action thereof against him

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided states and shows to the Court here the following causes of demurrer to the first count of said declaration, that is to say—

First there is no averment in said count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Lyins Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said Plaintiff or were his slaves, or that he ~~had and~~ owned and held them in his custody and control.

Second: There is no averment in said count in legal and traversable form that on the twenty seventh day of January ~~Eighteen~~ A.D. Eighteen hundred and forty seven, the plaintiff had any right to the labor and service of said Adam

Crowbute, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson, and Lucretia and that they were then held to service or labor.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count whence said persons escaped.

Fifth. There is manifest repugnance in said count in stating the time when the persons abovenamed escaped into the village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugatives from labor.

Eighth. It does not appear from said first count and is not therein averred or shown with legal certainty, in what manner, or what agencies or means the defendants rescued said persons. The allegation is general that there was a rescue without any specification of the particulars or means and is vague, unintelligible and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. It does not appear from said first count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendant aided or assisted the said persons in making their escape.

Tenth. There is no specification in said first

count of any statute of the United States and no intelligible reference to any particular statute for the violation of which, or under which this action is brought.

And for that said first count of said declaration is in other respects uncertain, informal and insufficient &c.

And as to the second count of said declaration the said defendant, impleaded as aforesaid, by his said Attorneys comes and defends the wrong and injury when &c and says that the said second count of the said declaration and the matters therein contained in manner and form as the same are above set forth and stated are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against him the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore by reason of the insufficiency of the said second count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action ~~against~~ thereof against him.

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided states and shows to the court here the following causes of demurrer to the second count of said declaration, that is to say

First. That there is no averment in said count in legal and traversable form that at the

sixth day of August A.D. eighteenhundred and forty three the time of the alleged escape, that the said Adam Crowdite, Sarah Crowdite, John Anthony Crowdite, Benjamin Franklin Crowdite, Lyncs Jackson Crowdite and Lucretia Crowdite were held to labor, or service by the said plaintiff as were his slaves & that he owned and had them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on twenty sixth day of eighteenhundred and forty when the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Bejamin Franklin, Lyncs Jackson, and Lucretia, or that they were then held to service or labor.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the state of Kentucky.

Fourth. It does not appear from said count whence said persons escaped.

Fifth. There is a manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh. There is no averment in said count in legal traversable form with certainty of time and place of notice to the defendants that the said persons were fugatives from labor.

Eighth. It does not appear from said second count and is not therein averred a state with legal certainty in what manner or by what agencies or means the defendants rescued

said persons the allegation is general that there was a rescue without any specification of the particulars or means and is vague unartificial and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. It does not appear by said second count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff.

Tenth. There is no specification in said second count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought.

And further said second count of said declaration is in other respects uncertain, informal and insufficient &c.

And as to the third count of said declaration the said defendant, impleaded as aforesaid, by his said Attorneys comes and defends the wrong and injury when &c and says that the said third count of said declaration and the matters therein contained in the manner and form as the same are above set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same

And this he is ready to verify wherefore by reason of the insufficiency of the said ~~plea~~ third count of said declaration in this behalf the said defendant impleaded as aforesaid, prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action against him &c.

And the said defendant impleaded as aforesaid, according to the form of the statute in such case made and provided, states and shows to the court here the following causes of demurrer to the third count of said declaration that is to say—

First. There is no averment in said count in legal and traversable form that on the fifth day of August Eighteen hundred and forty three the time of the alleged escape, the said Adam Crapsvolute, Sarah Crapsvolute, John Anthony Crapsvolute, Benjamin Franklin Crapsvolute Agnus Jackson Crapsvolute and Lucretia Crapsvolute were held to labor or service by the said plaintiff or were his slaves or that he owned and had them in his custody and control.

Second. There is no averment in said count in legal and traversable form that on the first day of December Eighteen hundred and forty three the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Agnus Jackson, and Lucretia or that they were then held to service or labor.

Third. There is no averment in said count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth. It does not appear from said count

whence said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnance in said count in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It is not averred in said count with proper certainty and is traversable how when the said persons escaped into Marshall.

Seventh. There is no averment in said count is legal and traversable form with certainty of time and place, of notice to the defendants that the said persons were fugatives from labor.

Eighth. It does not appear from said discount and is not therein averred or shown with legal certainty of in what manner or by what agencies or means the defendants hindered and prevented the agents of the plaintiff from reclaiming and seizing said persons - the allegation is general that there was a hindering and preventing, without any specification of the particulars and means and is vague, unstechnical and not admitting of a traverse a denial. and not sufficient to inform the defendants of the cause of action & the ground of complaint against them.

Ninth. There is no averment in legal and traversable form that on the twenty seventh day of January eighteen hundred and forty seven the said persons were fugatives from labor & that they had continued such from the time of their alleged escape, nor that on that day they were in Marshall.

Tenth. There is no specification in said third count of any statute of the United States and no intelligible reference to any particular

statute, for the violation of which, or under which this action is brought.

And for that said third count of said declaration is in other respects uncertain, informal and insufficient &c

And as to the said fourth count of said declaration the said defendant impleaded as aforesaid, by his said attys comes and defends the wrong and injury when &c and says that the said fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore by reason of the insufficiency of the said fourth count ~~count~~ of said declaration in this behalf. the said defendant impleaded as aforesaid prays judgment, and that the said plaintiff may be barred for having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid, according to the form of the statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said declaration that is to say.

First that there is no averment in said count in legal and traversable form that on the fifth day of August A.D. Eighteenhundred and forty three, the time of the alleged escape, the said Adam

Crofswhite, Sarah Crofswhite, John Anthony Crofswhite Benjamin Franklin Crofswhite, Byrus Jackson Crofswhite and Lucretia Crofswhite, were held to labor service of the said plaintiff as were his slaves

Second. There is no averment in said count in legal and traversable form that on the fifteenth day of December A.D. One thousand eight hundred and forty three the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Byrus Jackson and Lucretia or that they were then held to service or labor nor is there such averment in regard to the twenty seventh day of January A.D. eighteen hundred and forty seven.

Third. There is no averment in said count, in legal and traversable form, that said persons above named escaped from the State of Kentucky

Fourth. It does not appear from said count, whence said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall,

Sixth. It is not averred in said count with proper certainty and in traversable form, that the said persons were fugatives from labor on twenty seventh January A.D. eighteen hundred and forty seven.

Seventh. There is no averment in said count in legal and traversable form, with certainty of time and place, of notice to the defendants that the said persons were fugatives from labor.

statute, for the violation of which, & under which this action is brought.

And for that said third count of said declaration is, in other respects uncertain, informal and insufficient &c

And as to the said fourth count of said declaration the said defendant impleaded as aforesaid, by his said attorneys comes and defends the wrong and injury when &c and says that the said fourth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same. And this he is ready to verify. Wherefore by reason of the insufficiency of the said fourth count ~~count~~ of said declaration in this behalf, the said defendant impleaded as aforesaid prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c

And the said defendant impleaded as aforesaid, according to the form of the statute in such case made and provided, states and shows to the court here the following causes of demurrer to the fourth count of said declaration, that is to say.

First that there is no averment in said count in legal and traversable form that on the fifth day of August A.D. Eighteenhundred and forty three, the time of the alleged escape, the said Adam

Crofswhite, Sarah Crofswhite, John Anthony Crofswhite Benjamin Franklin Crofswhite, Byrus Jackson Crofswhite and Lucretia Crofswhite were held to labor service of the said plaintiff as were his slaves

Second. There is no averment in said count in legal and traversable form that on the fifteenth day of December A.D. One thousand eight hundred and forty three the plaintiff had any right to the labor and service of said Adam, Sarah, John Anthony, Benjamin Franklin, Byrus Jackson and Lucretia or that they were then held to service or labor nor is there such averment in regard to the twenty seventh day of January A.D. eighteen hundred and forty seven.

Third. There is no averment in said count, in legal and traversable form, that said persons above named escaped from the State of Kentucky

Fourth. It does not appear from said count, whence said persons escaped nor to what place they escaped.

Fifth. There is manifest repugnancy in said count in stating the time when the persons above named escaped into the village of Marshall.

Sixth. It is not averred in said count with proper certainty and in traversable form, that the said persons were fugatives from labor on twenty seventh January A.D. eighteen hundred and forty seven.

Seventh. There is no averment in said count in legal and traversable form, with certainty of time and place, of notice to the defendants that the said persons were fugatives from labor,

Eighth. It does not appear from said fourth count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering and seizing said bessels. The allegation is general, that the defendants interfered obstructed and hindered, without any specification of the particulars or means and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Ninth. There is no specification in said fourth count of any statute of the United States and no intelligible reference to any particular statute for the violation of which, or under which this action is brought.

And for that said fourth count of said declaration is in other respects uncertain, informal insufficient &c

And as to the said fifth count of said declaration, the said defendant, in person as aforesaid by his said attorney comes and defends the wrong and injury when &c and says that the said fifth count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant is not bound by law to answer the same, and this he is ready to verify. Wherefore by reason of the insufficiency of the said fifth count of said dec

loration, in this behalf the said defendant in-
pleads as aforesaid, prays judgment and that
the said plaintiff may be barred from having
or maintaining his aforesaid action thereof against
him &c.

And the said defendant rejoined as
aforesaid, according to the form of the statute in
such case made and provided stoles and
shows to the court here the following causes of
demurrer, that is to say—
the said plea to the count

First there is no averment in said count in legal
and traversable form that on the fifth day of August
A.D. Eighteen hundred and forty three, the time of the
alleged escape, the said Adam Crapwhite, Sarah
Crapwhite, John Anthony Crapwhite, Benjamin Frank-
lin Crapwhite, Lyons Jackson Crapwhite and
Lucretia Crapwhite were held to labor a service
of the said plaintiff or were his slaves.

Second. There is no averment in said count, in
legal and traversable form that on the fifteenth
day of December A.D. one thousand eight hundred
and forty three, the plaintiff had any right to the
labor and services of said Adam, Sarah, John
Anthony, Benjamin Franklin, Lyons Jackson and
Lucretia or that they were then held to service or labor
nor that they were so held to labor or service on
twenty seventh January A.D. Eighteen hundred and
forty seven.

Third. There is no averment in proper and
traversable form that on the twenty seventh of January
A.D. Eighteen hundred and forty seven the said
persons were fugatives from labor.

Fourth. There is no averment in said count
in legal and traversable form with certainty of

time and place of notice to the defendants, that the said persons were fugatives from labor.
Fifth. It does not appear from said fifth count and is not therein averred or shown with legal certainty in what manner or by what agencies or means the defendants obstructed the agents of the plaintiff in seizing said persons. The allegation is general that they obstructed them without any specification of the particulars or means and is vague, unsatisfactory and not sufficient to inform the defendants of the cause of action or grounds of complaint against them.
Sixth. There is no specification in said fifth count of any statute of the United States and no intelligable reference to any particular statute for the violation of which or under which this action is brought.

And for that said fifth count of said declaration is in other aspects uncertain, informal and insufficient &c

Wells Cook Attys
And of Counsel for Defts
James Smith.

1900.

Circuit Court of the
United States for the
Eastern District of Michigan

James Smith et al

vs.

Francis Filtner.

Plea & Issue for
Deft. Smith.

Filed July 30. 1849

Jno Winder Clk
By Geo. D. Bull
Deputy

Wells Hooker attys &
of Counsel for Deft
James Smith

Circuit Court of the United States
for the District of Michigan

George Ingersoll, impleaded with Charles T. Graham,
Oliver C. Comstock Junior, Asa B. Cook, David Hunt,
John M. Easterly, William D. Rector, Herman Camp,
Randall Hobart, Hunter Wolf, William Parker,
Charles Bergen and James Smith.

vs

Francis Giltner -

And the said defendant impleaded as aforesaid by Theodore Romeyn his attorney, comes and demands the wrong and injury when &c and as to the sixth and seventh Counts of said declaration says that he is not guilty of the said supposed grievances laid to his charge in said counts or any or either of them, or any part thereof in manner and form as the said plaintiff hath above thereof in said counts complained against him, and of this he puts himself upon the country &c -

And as to the said first count of said declaration the said defendant impleaded as aforesaid by his said attorney comes and defends the wrong and injury when &c and says that the said first count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he, the said defendant is not bound by law to answer the same - and this he is ready to verify; wherefore, by reason of the insufficiency of the said first count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him, &c -

And the said defendant impleaded as aforesaid, according to the form of the statute in such case made and

provided, states and alleges to the Court here the following causes of demurrer to the first count of said declaration, that is to say:

First; There is no averment in said count in legal and traversable form, that on the fifth day of August A.D. Eighteen hundred and forty three the time of the alleged escape, the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Cyrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff or were his slaves or that he owned and had them in his custody and control.

Second; There is no averment in said Count in legal and traversable form that on twenty seventh January Eighteen hundred and forty seven the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Cyrus Jackson and Lucretia, or that they were then held to service or labor.

Third; There is no averment in said Count in legal and traversable form that said persons above named escaped from the State of Kentucky

Fourth - It does not appear from said Count whence said persons escaped -

Fifth; There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Marshall -

Sixth; It is not averred in said Count with proper certainty and in traversable form when the said persons escaped into Marshall -

Seventh; There is no averment in said Count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor -

Eighth - It does not appear from said first Count and is not therein averred, or shewn with legal certainty, in what manner

or by what agencies or means, the defendants rescued said persons. The allegation is general that there was a rescue, without any specification of the particulars or means. and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them -

Ninth: It does not appear from said first count and is not therein averred or shewn, with legal certainty in what manner, or by what agencies or means, the defendants aided the said persons in making their escape.

Tenth - There is no specification in said first count of any statute of the United States and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought -

And for that said first count of said declaration is in other respects uncertain, informal and insufficient &c -

And as to the second count of said declaration the said defendant impleaded as aforesaid by his said attorney comes and defends the wrong and injury when &c and says that the said second count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same - and this he is ready to verify: wherefore by reason of the insufficiency of the said second count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment, and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c -

And the said defendant impleaded as aforesaid

according to the form of the Statute in such case made and provided, states and shews to the Court here the following causes of demurrer to the second count of said declaration that is to say-

First; There is no averment in said Count in legal and traversable form that on the sixth day of August A.D. one thousand eight hundred and fifty three the time of the alleged escape the said Adam Crofswhite, Sarah Crofswhite, John Anthony Crofswhite, Benjamin Franklin Crofswhite, Lyons Jackson Crofswhite and Lucretia Crofswhite were held to labor or service by the said plaintiff, or were his slaves, or that he owned and had them in his custody and control.

Second; There is no averment in said Count in legal and traversable form that on twenty sixth January Eighteen hundred and fifty seven the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Lyons Jackson and Lucretia, or that they were then held to service or labor.

Third: There is no averment in said Count in legal and traversable form that said persons above named escaped from the State of Kentucky.

Fourth; It does not appear from said Count whence said persons escaped.

Fifth; There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the village of Marshall.

Sixth - It is not avered in said Count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh - There is no averment in said Count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Eighth; It does not appear from said second Count

and is not therein avered, or shewn with legal certainty in what manner, or by what agencies or means, the defendants rescued said persons - The allegation is general that there was a rescue, without any specification of the particulars or means - and is vague, unlechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or grounds of complaint against them -

Ninth - It does not appear from said second count, and is not therein avered, or shewn, with legal certainty, in what manner or by what agencies or means the defendants prevented the agents of the plaintiff from returning the said persons to the custody of the plaintiff -

Tenth: There is no specifications in said second count of any statute of the United States and an intelligible reference to any particular statutes for the violation of which, or under which, this action is brought -

And for that said second Count of said declaration is in other respects uncertain, informal & insufficient &c -

And as to the said third Count of said declaration the said defendants impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when &c and says that the said third Count of the said declaration and the matters therein contained, in manner and form as the same are above stated and set forth are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he the said defendant is not bound by law to answer the same - and this he is ready to verify; wherefore by reason of the insufficiency of the said third Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff

may be barred from having & maintaining his aforesaid action thereof against him &c.

And the said defendant impleaded as aforesaid according to the form of the statute in such case made and provided, states and shews to the Court here the following causes of demurrer to the third Count of said declaration that is to say -

First. There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. Eighteen hundred and forty three the time of the alleged escape the said Adam Crosswhite, Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin Crosswhite, Byrus Jackson Crosswhite and Lucretia Crosswhite were held to labor or service by the said plaintiff, or were his slaves & that he owned and had them in his custody and control.

Second, There is no averment in said Count in legal and traversable form that on the first day of December A.D. one thousand eight hundred and forty three the plaintiff had any right to the labor and services of said Adam, Sarah John Anthony, Benjamin Franklin, Byrus Jackson and Lucretia, & that they were then held to service or labor -

Third, There is no averment in said Count in legal and traversable form that said persons above named escaped from the State of Kentucky -

Fourth. It does not appear from said Count whence said persons escaped, nor to what place they escaped -

Fifth. There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the Village of Marshall -

Sixth, It is not averred in said Count with proper certainty and in traversable form when the said persons escaped into Marshall.

Seventh, There is no averment in said Count in legal

and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor -

Eighth - It does not appear from said third count and is not therein avered or shewn with legal certainty, in what manner or by what agencies or means the defendants hindered and prevented the agents of the plaintiffs from reclaiming and seizing said persons - The allegation is general that there was a hindering and preventing without any specification of the particulars or means and is vague, unteclinical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them -

Ninth: There is no averment in legal and traversable form that on the twenty seventh day of January Eighteen hundred and forty seven, the said persons were fugitives from labor, & that they have continued such from the time of their alleged escape - nor that on that day they were in Marshall at all -

Tenth: There is no specification in said third count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which, this action is brought -

And for that said third count of said declaration is in other respects uncertain, informal and insufficient, &c -

And as to the said fourth Count of said declaration the said defendant impleaded as aforesaid by his said Attorney comes and defends the wrong and injury when & and says that the said fourth Count of the said declaration and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient

cient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant and that he the said defendant is not bound by law to answer the same - and this he is ready to verify; Wherefore by reason of the insufficiency of the said fourth Count of said declaration in this behalf the said defendant impleaded as aforesaid prays judgment and that the said plaintiff may be barred from having or maintaining his aforesaid action thereof against him &c -

And the said defendant impleaded as aforesaid according to the form of the Statute in such case made and provided, states and shews to the Court here the following causes of demurrer to the fourth Count of said declaration that is to say -

First; There is no averment in said Count in legal and traversable form that on the fifth day of August A.D. one thousand eight hundred and forty three the time of the alleged escape, the said Adam Crofswhite, Sarah Crofswhite, John Anthony Crofswhite, Benjamin Franklin Crofswhite, Byrus Jackson Crofswhite, and Secretia Crofswhite were held to labor or service by the said plaintiff or were his slaves -

Second; There is no averment in said Count in legal and traversable form that on the tenth day of December A.D. Eighteen hundred and forty three the plaintiff had any right to the labor and services of said Adam, Sarah, John Anthony, Benjamin Franklin, Byrus Jackson and Secretia or that they were then held to service or labor - nor is there such averment in regard to the twenty seventh day of January A.D. Eighteen hundred and forty seven

Third; There is no averment in said Count in legal and traversable form that said persons above named escaped from the State of Kentucky -

Fourth; It does not appear from said Count whence said persons escaped, nor to what place they escaped.
Fifth. There is manifest repugnancy in said Count in stating the time when the persons above named escaped into the Village of Marshall.
Sixth; It is not avered in said Count with proper certainty and in traversable form that the said persons were fugitives from labor on twenty seventh day of January A.D. Eighteen hundred and forty seven.
Seventh; There is no averment in said count in legal and traversable form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.
Eighth; It does not appear from said fourth Count and is not therein avered or shewn, with legal certainty in what manner or by what agencies or means, the defendants interfered, obstructed or hindered the agents of the plaintiff in recovering and seizing said persons. The allegation is general that the defendants interfered, obstructed and hindered without any specification of the particulars or means - and is vague, untechnical and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of Complaint against them.
Ninth; There is no specification in said fourth Count of any statute of the United States and no intelligible reference to any particular statute for the violation of which or under which this action is brought.

And for that said fourth Count of said declaration is in other respects uncertain, informal and insufficient &c.

And as to the said fifth Count of said declaration the said defendant, impleaded as aforesaid by his

said attorney comes and defends the wrong and injury when &
and says that the said fifth count of said declaration and the
matters therein contained, in manner and form as the same are above
stated and set forth, are not sufficient in law for the said plaintiff
to have or maintain his aforesaid action thereof against the said de-
fendant, and that he the said defendant is not bound by law to an-
swer the same - and this he is ready to verify; Wherefore, by reason
of the insufficiency of the said fifth Count of said declaration in this
behalf the said defendant implended as aforesaid prays judgment and
that the said plaintiff may be barred from having & maintaining his
aforesaid action thereof against him &c -

And the said defendant, impleaded as aforesaid, according
to the form of the statute in such case made and provided states and
shews to the Court here the following causes of demurrer to the fifth
Count of said declaration, that is to say -

First: There is no averment in said count in legal and traversable
form that on the fifth day of August A.D. Eighteen hundred and
forty three, the time of the alleged escape, the said Adam Crosswhite
Sarah Crosswhite, John Anthony Crosswhite, Benjamin Franklin
Crosswhite, Ezra Jackson Crosswhite and Lucretia Crosswhite
were held to labor or service by the said plaintiff or were his
slaves -

Second: There is no averment in said Count in legal and tra-
versable form, that on the fifteenth day of December A.D. one thou-
sand eight hundred and forty three the plaintiff had any right
to the labor and services of said Adam, Sarah, John Anthony,
Benjamin Franklin, Ezra Jackson and Lucretia, or that they
were then held to service or labor - nor that they were so held
to labor or service on twenty seventh January A.D. Eighteen hun-
dred and forty seven -

Third: There is no averment in proper and traversable form
that on the twenty seventh of January A.D. Eighteen hundred
and forty seven the said persons were fugitives from labor -

Fourth: There is no averment in said count in legal and traver-

able form with certainty of time and place of notice to the defendants that the said persons were fugitives from labor.

Fifth. It does not appear from said fifth Count and is not therein averred or shewn, with legal certainty in what manner, or by what agencies or means, the defendants obstructed the agents of the plaintiff in seizing said persons. The allegation is general that they obstructed them, without any specification of the particulars or means. and is vague, unlegal and not admitting of a traverse or denial and not sufficient to inform the defendants of the cause of action or ground of complaint against them.

Sixth, There is no specification in said fifth Count of any statute of the United States and no intelligible reference to any particular statute, for the violation of which, or under which, this action is brought.

And for that said fifth Count of said declaration is in other respects uncertain, informal and insufficient, &c.

T. Romeyn Atty of
Counsel for Defts.

Circuit Ct of the United States
for the District of Michigan

1900.

George Ingersoll, impleaded
with Charles T. Gorham et al.

ads.

Francis Gilbert

Demurrer

vs.

T. Romeyn Atty for
of Counsel for Defts

Filed July 29th 1847
Jno Winder Clerk
By Geo G Bull Deputy